

ACTS

PASSED AT THE ANNUAL SESSION

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF ALABAMA;

BEGUN AND HELD IN THE CITY OF TUSCALOOSA, ON THE FIRST
MONDAY IN DECEMBER, 1843.

BEN. FITZPATRICK, *Governor.*

NATHANIEL TERRY, *President of the Senate.*

ANDREW B. MOORE, *Speaker House of Representatives.*

Tuscaloosa:

JOHN MCCORMICK, STATE PRINTER.

....
1844.

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LAWS OF ALABAMA.

[No. 1.]

AN ACT

1844.

To incorporate the Town of New Lexington, in the County of Tuscaloosa.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this Act, the Town of New Lexington, in the County of Tuscaloosa, be and Incorporation the same is hereby incorporated under the name and style of the Intendant and Council of the Town of New Lexington; and under that name they shall be liable to sue and be sued, may plead and be impleaded in all manner of suits either in law and in equity, may have and keep a common seal, and the same to break, alter and amend at pleasure, and in general to do all acts which are incident to bodies corporate, and to purchase, hold and dispose of for the benefit of said Town, real, personal or mixed property to the amount of five hundred dollars.

SEC. 2. *And be it further enacted,* That the limits of said Limits. Corporation shall include the lots of the plats of said Town of New Lexington, and also the Male and Female Academy of said Town.

SEC. 3. *And be it further enacted,* That there shall be five Election of Commission-
ers. Councillors elected for said Town of New Lexington, on the first Monday in May, eighteen hundred and forty-four; which election shall be conducted by William Winter, James Welch, and E. A. Montgomery, any two of whom shall have power to act, and shall give certificates of election to the five persons who may receive the highest number of votes. The polls of said election shall be opened at eleven o'clock before noon, and

Proviso.

close at two o'clock afternoon, of said day: *Provided*, That said Managers shall be qualified by some Justice of the Peace, to conduct said election according to law.

Future elections, how conducted.

SEC. 4. *And be it further enacted*, That all subsequent elections in said Town shall be conducted by any two of the Councillors, to be appointed by the Board for that purpose; and if from any cause, said elections shall not take place on the day set apart for holding the same, the Board may appoint some other day, not exceeding thirty days from said first Monday in May, in each and every year.

Voters.

SEC. 5. *And be it further enacted*, That all free white male persons of the age of twenty-one years, who have been resident citizens of said town for two months preceding said election, or any person who may own real estate in said Town, shall be deemed qualified voters at any of said Town elections.

Organization of board.

SEC. 6. *And be it further enacted*, That within five days after said election is holden, the Councillors elected shall convene at some suitable place in said town, and take and subscribe an oath before some person authorized to administer the same, that they will faithfully discharge the duties to them committed, without favor, affection or partiality; a certificate of which oath shall be filed with the Clerk of the Board of Councillors.

Election of Intendant.

SEC. 7. *And be it further enacted*, That when said Councillors are qualified, as declared in the sixth section of this Act, they shall proceed forthwith to elect, by a majority of votes, from their own body, an Intendant, whose duty it shall be to preserve and keep order at meetings of their Board, and in his absence or incapacity, any member may be called to the Chair. The said Intendant shall approve all ordinances that may be passed by the Board, and shall be *ex-officio* Justice of the Peace for all purposes connected with said Corporation, and the enforcement of its laws, and shall see that all ordinances are enforced, and shall be entitled to receive for his services the same fees allowed to Justices of the Peace for Tuscaloosa county.

Offenders to be bound over.

SEC. 8. *And be it further enacted*, That in all breaches of the by-laws of said Corporation, where the same be a violation of the laws of the State, it shall be the duty of said Intendant, to bind over said offender or offenders to appear at the next Circuit Court for said county, to answer said charge.

Authority of Board.

SEC. 9. *And be it further enacted*, That said Board shall be authorized to elect a Clerk, Treasurer, Marshal and such other officers for said Town, as they may deem proper for the good government of the same, and shall affix their duties and compensation; which officers shall be removeable at the pleasure of the Board, for neglect of duty or mal-practice in office; and said Board may require such bonds from their respective

officers as they may deem proper for the faithful performance of their respective duties.

SEC. 10. *And be it further enacted*, That said Board shall be authorized to levy and collect a tax, not exceeding one per centum on the property taxed; the poll tax shall in no case exceed seventy-five cents, and no property shall be taxed except such as is taxed by the State or County of Tuscaloosa, and no tax, after a levy is made, shall be increased, except by a vote of the legal voters of said Corporation, which shall be determined by an election, on giving ten days' notice thereof. May levy tax.

SEC. 11. *And be it further enacted*, That said Councillors or Board, shall have exclusive control over the public streets, alleys, and public springs, the wells and public works belonging to said Corporation; they shall have power to enact patrol laws, and to have them enforced,—to quell riots and disturbances, suppress indecent and disorderly conduct, to prevent and remove nuisances, to punish offenders against the by-laws by a fine not exceeding five dollars, and to pass all ordinances that may tend to promote the peace and harmony, good order and health of the citizens of said Corporation: *Provided*, That none of said ordinances of said Corporation shall conflict with the Constitution and laws of this State. Control over streets.

SEC. 12. *And be it further enacted*, That whenever any offender shall be fined and shall refuse or neglect to pay said fine, he shall be proceeded against by execution, which execution shall have the same force and effect as if issued by a Justice of the Peace of the County upon civil judgment. Of fines.

SEC. 13. *And be it further enacted*, That the said Board shall have power to fill all vacancies which may occur by death, resignation or otherwise, until the next annual election; and any member of the Board may preside as Intendant *pro tempore*, in absence of the Intendant proper, and a majority of said Board shall constitute a quorum to transact business. Vacancies how filled.

SEC. 14. *And be it further enacted*, That the said Board shall hold their meetings once a month, and oftener if necessary, any two members of which may compel the attendance of absent members, assess fines for contempt or negligence on the part of any of their body, which fine, in no case, shall exceed the sum of five dollars: *Provided*, The whole Board shall be present when any member is to be tried,—and if the Board be equally divided, the defaulting member shall not be fined. Meetings of the board.

SEC. 15. *And be it further enacted*, That the said Intendant and Council when organized, shall be authorized to levy tax in accordance with the above recited Act, for the twelve months next preceding said first day of May, one thousand eight hundred and forty-four. Powers of board.

Approved, 6th January, 1844.

[No. 2.]

AN ACT

To amend an Act, incorporating the Centenary Institute of the Alabama Annual Conference of the Methodist Episcopal Church, in the County of Dallas.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That an additional number of six Trustees shall be added to the present number, as is now allowed in the first section of an act, incorporating the Centenary Institute of the Alabama Annual Conference, of the Methodist Episcopal Church, in the County of Dallas.

Additional
Trustees ad-
ded.

Sec. 2. *And be it further enacted*, That T. W. Dorman, Thomas H Capers, Jesse Boring, John W. Starr, Samuel Armstrong, and James O. Williams, and their successors in office, shall be, and they are hereby appointed Trustees of said Institution.

Trustees.

Approved, 19th December, 1843.

[No. 3.]

AN ACT

For the relief of Benjamin Magonisk.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, Benjamin Magonisk, be, and he is hereby declared a liner between the counties of Pike and Coffee, and shall hereafter be considered a citizen of the county of Pike, so long as he remains at the present place of residence, and shall be subject to all laws in relation to citizens of Pike county, in the same manner as if he resided in said County.

Approved, 26th December, 1843.

[No. 4.]

AN ACT

To change the name of a certain person therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, the name of Martha Caroline Black, of Jefferson county, be, and the same is hereby changed to that of Martha Caroline Forrest.

Approved, 19th December, 1843.

[No. 5.]

AN ACT

For the support of Paupers in the County of Butler.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Judge of the County Court and Commissioners of Roads and Revenue, for the county of Butler, be, and they are hereby authorized, whenever they, or a majority of them, shall deem it necessary, to purchase and receive title to any quantity of land, not exceeding eighty acres; which title shall be made to the Judge of the County Court of Butler county, and his successors in office, and shall vest in, and be the property of said county of Butler. Commissioners of Roads and Revenue may purchase land.

Sec. 2. *And be it further enacted,* That said Judge and Commissioners are hereby authorized to contract for the building of all necessary houses for the purposes therein mentioned, and every thing else that is necessary to be done, the expenses of which shall be paid out of the County Treasury of Butler county. May contract for ngs.

Sec. 3. *And be it further enacted,* That whenever it shall appear to said Court, that any person is a subject of public charity, he, she, or they, so soon as there be a Poor House in said county, may be ordered by said Court to be conveyed to the said Poor House, to be taken care of and supported; and said Court is authorized to employ some suitable person to superintend and take care of all the poor of said county of Butler. Shall determine who are paupers.

Sec. 4. *And be it further enacted,* That it shall be the duty of said Judge and Commissioners, or a majority of them, to meet at said Poor House, at least once in every six months, for the purpose of examining into the condition of the premises and treatment of the paupers; and the said Court shall have power to dismiss any person from the charge of said Poor House, whenever, in their opinion, the interest of the poor may require it, and generally to make such rules and regulations as to them may seem advisable, having due regard to economy and the comfort of the poor. Visits to Poor House.

Sec. 5. *And be it further enacted,* That at the first Court of said Commissioners of Roads and Revenue, after said poor house shall be built, said Court shall appoint one discreet person, in each captain's beat, to act as an Overseer of the Poor, whose duty it shall be to report to said Court what person or persons are within his beat, properly the subject of charity and public support; and said Overseer shall continue in office for the term of one year. Overseers of the poor.

Sec. 6. *And be it further enacted,* That before any superintendant shall enter upon the duties of his office, he shall enter into bond, with two or more good securities, in the sum of one Of Superintendent.

thousand dollars, payable to the Judge of the County Court of Butler county, and his successors in office, conditioned for the faithful discharge of the duties of his office.

Repeal.

Sec. 7. *And be it further enacted*, That all laws and parts of laws, contravening the provisions of this act, be, and the same are hereby repealed.

Approved, January 6, 1844.

[No. 6.]

AN ACT

To change the time of holding the Winter Term of the County Court, in and for the County of Greene.

Winter term
of County
Court, when
held.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, that the time of holding the winter term of the County Court in and for the County of Greene be, and the same is hereby changed from the fourth Monday of January to the third Monday thereof.

Process.

Sec. 2. *And be it further enacted*, That all process, heretofore issued, returnable to said Court on the fourth Monday in January be, and the same is hereby made returnable to the third Monday thereof.

Repeal.

Sec. 3. *And be it further enacted*, That all laws and parts of laws conflicting with this act, be and they are hereby repealed.

Approved, December 19, 1843.

[No. 7.]

AN ACT

In relation to costs of Prosecutions, in Criminal Cases, in Mobile County.

WHEREAS, in a large number of Criminal cases in Mobile County, the defendants upon conviction are insolvent, and unable to pay the costs of prosecution.

Section 1. *Therefore, be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That in all State cases in Mobile county, in which the defendants, after conviction, have been, or shall be, unable to pay the costs of prosecutions, the same shall be paid out of the fines and forfeitures, which have accrued or may accrue in criminal cases in Mobile County.

Approved, January 12, 1844.

[No. 8.]

AN ACT

To legalize a certain Term of the County Court of Tuscaloosa County therein named.

WHEREAS, by an act passed at the last Session of the Legislature, approved February 13th, 1843, it was enacted, that the then next ensuing term of the County Court of Tuscaloosa County should be holden as theretofore, on the third Monday in July, in the year one thousand eight hundred and forty-three, and thereafter the terms of said Court should be holden on the second Mondays in May and December in each and every year; and whereas, under the provisions of said act, various processes have been issued, and made returnable to a term of said Court to be holden on the second Monday in December, Anno Domini, eighteen hundred and forty-three; and whereas, doubts have arisen whether the above mentioned act authorized a term of said Court to be held at the time last aforesaid; therefore for the better solution of such doubts, and for the safety and protection of suitors.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly* Court when convened, That a term of the County Court shall be held on the second Monday in December, eighteen hundred and forty-three, and that all process heretofore made returnable to a term of said Court to be held at that time shall be held good and valid so far forth as concerns the time and term of said Court at, and to which they may have been made returnable, any law to the contrary notwithstanding.

Approved, December 15, 1843.

[No. 9.]

AN ACT

In aid of the County Treasury of Russell County, &c.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That James Daniel, Abraham P. Watt, George W. Dallas, and William Davis the Commissioners of Roads and Revenue in the County of Russell, and their successors in office, are hereby authorized and empowered to sell at public sale upon reasonable notice, all the unsold lots in the town of Crawford, (late Crockettville,) in the County of Russell, and pay over the proceeds to the County Treasurer of said county to be applied to county purposes.

Duty of Court
of Roads and
Revenue.

John Segar
may pay over
moneys.

Sec. 2. *And be it further enacted*, That John Segar, the Treasurer of the said town of Crawford, be authorized to pay over all money he may have in his hands, received from the sale of lots in the said town, to the Treasurer of said County, and that John Segar, Henry Moffett, William D. Hargrove, James W. Hunter, and Hartwell B Green, the Commissioners of the said town be thereupon released and discharged from all liability rising out of, and depending upon their said office, and all laws and parts of laws contravening the provisions of this act, are hereby repealed.

Approved, December 19, 1843.

[No. 10.]

AN ACT

In relation to the nomination of Bank Directors.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That so much of the several acts passed at the last session of the General Assembly, requiring the Governor to nominate to the General Assembly, Directors to be chosen for the Bank of the State of Alabama, and the several Branch Banks, at the commencement of each annual session of the Legislature, be, and the same are hereby repealed; and that hereafter it shall be the duty of the Governor to nominate Bank Directors in pursuance of the said several acts, at any time after the third week of each annual session.

Approved, December 15, 1843.

[No. 11.]

AN ACT

To revive and continue in force, an act, entitled an act to authorize the Commissioners Court of Butler County to levy an additional tax.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the first section of an act, entitled an act to authorize the Commissioners' Court of Butler County to levy an additional tax, approved fourteenth February, one thousand eight hundred and forty-three be, and the same is hereby continued in force.

Approved, January 10, 1844.

[No. 12]

AN ACT

Concerning the Circuit Courts of Dallas County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Circuit Courts for the County of Dallas shall be held until the business shall be finished ; and for this purpose juries shall be drawn and summoned in the manner now prescribed by law to attend said Courts, from week to week, until the docket may be disposed of.

Approved, January 10, 1844.

[No. 13.]

AN ACT

For the relief of Bridget O'Brien.

WHEREAS, Michael O'Brien, deceased, late of the County of Perry, died intestate, leaving a widow, Bridget O'Brien, who, by reason of alienage, is incapable in law of taking the estate of the said Michael O'Brien, deceased, for remedy whereof—

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the said Bridget O'Brien be, and she is hereby declared able and capable in law of taking by descent or distribution, the estate of her late husband, in the same manner as if she was not an alien: *Provided*, That nothing herein contained shall be construed to the prejudice of the rights of the creditors of the said estate.

Approved, 10th January, 1844.

[No. 14.]

AN ACT

To divorce John W. Jones from his wife, Minerva Jones.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That in pursuance of a decree of the Chancery Court, held in the Town of Huntsville, in the County of Madison, that the bonds of matrimony heretofore solemnized between John W. Jones and his wife Minerva Jones, be, and the same are hereby dissolved and annulled, and that the said John W. Jones be divorced from his wife Minerva Jones.

Approved, 14th December, 1843.

[No. 15.]

AN ACT

For the relief of Doctor Thomas Moody, of the County of Clarke.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Doctor Thomas Moody, of the County of Clarke, be, and he is hereby made able and capable in law, to sue for and recover compensation for professional services, in the same manner as if he had been permitted to practice Medicine and Surgery, according to the law now in force; and that the said Thomas Moody may practice his profession as heretofore, without being liable to the penalties of the law in such cases provided.

Approved, 12th January, 1844.

[No. 16.]

AN ACT

To reduce the fees of Jurors and Witnesses in the County of Tallapoosa.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Jurors and Witnesses in all cases tried in a Court of Record in and for the County of Tallapoosa, shall receive the sum of one dollar per diem for their services, and no more; this act to take effect from and after its passage, any law to the contrary notwithstanding.

Approved, 1st January, 1844.

[No. 17.]

AN ACT

To change the names of certain persons therein mentioned.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the names of Elizabeth Jane McCay and Josephine Renfrow, of Jackson County, minors, be, and they are hereby changed, and they shall hereafter be severally called and known by the names of Elizabeth Jane Newberry and Josephine Newberry.

Approved, 1st January, 1844.

[No. 18.]

AN ACT

To amend the charter of the "Marine Rail-Way and Insurance Company of Mobile."

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the "Mobile Marine Rail-Way and Insurance Company," be and is hereby authorized to lend its surplus funds in any of the public stocks of the State of Alabama, or of the United States, or to invest the same in any real or personal securities, anything in the charter of said Incorporation to the contrary, notwithstanding; *Provided*, That this shall not authorize said Company to invest any portion of its funds in the stock of the State, created for the purpose of raising capital for any of the Banks of this State.

May lend or
invest surplus
funds.

Sec. 2. *And be it further enacted*, That this act shall not be construed, so as to enable the said Company to issue for circulation any notes or bills, in the nature of Bank notes, or to issue any paper to be used as money.

Prohibition.

Approved, January 10, 1844.

[No. 19.]

AN ACT

In relation to certain escheated property, in the County of Dallas.

WHEREAS, divers acts have been passed by the Legislature of this State for the relief of James W. Kelly, and his wife Cassandra, concerning certain escheated property in the County of Dallas, belonging to the estate of Christopher Plunkett and Matthew Plunkett, by which said acts, such portion of the said estates, as belonged to Christopher Plunkett in his life time, have been conveyed away to the said James W. Kelly and Cassandra his wife.

Section 1. *Be it therefore enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That William E. Bird, Judge of the County Court of said county, shall be entitled to have and receive such fees as he would have been entitled to, had no such acts been passed, and that he shall be entitled to receive the same, out of any escheated property belonging to said county.

Approved, January 11, 1844.

[No. 20.]

AN ACT

Extending to the County of St. Clair the provisions of certain acts therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the provisions of an act entitled an act relative to Justices Courts, and for other purposes, in certain counties therein named, approved February fifth, one thousand eight hundred and forty, and also the provisions of an act entitled an act to establish jury trials in Justices Courts in certain counties in this State and to regulate the proceedings therein, approved December thirty-first, one thousand eight hundred and forty-one, be, and the same are hereby extended to the County of St. Clair, and said acts are to be in full force and effect in said County of St. Clair, from and after the first day of March next.

Approved, January 1st, 1844.

[No. 21.]

AN ACT

To regulate the working of Roads in Baldwin County, in certain cases.

Preamble.

WHEREAS, several citizens of Baldwin County, living upon the Alabama River, own a large number of slaves, in the forks of the Tombigby and Alabama Rivers, in the County of Clarke; and whereas, there are no public roads nearer than fifteen or twenty miles in said County of Clarke, and thus the owners of said slaves are exempt from doing their share of road duty; and whereas, the roads in Baldwin near which the owners reside, run through a sparsely settled country, and the duty of working is therefore, thrown upon a few; Therefore,

How regulated.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Commissioners of Roads and Revenue in Baldwin County are hereby authorized and empowered in apportioning hands upon the Road in said County upon which the citizens of said County are now required to work, they shall apportion on said Road, the slaves belonging to citizens in the same manner as is now prescribed by law, and as if they resided in the County of Baldwin.

Approved, January 1st, 1844.

[No. 22.]

AN ACT

Concerning the County Taxes of Monroe County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Judge of the County Court, and the Commissioners of Roads and Revenue of the County of Monroe, be, and they are hereby authorized to levy and collect such tax not exceeding the present State Tax, as they may think necessary to defray the expenses of said County. May levy tax.

Sec. 2. *And be it further enacted,* That all laws and parts of laws, contravening the provisions of this act, be, and the same are hereby repealed. Repeal.

Approved, 19th December, 1843.

No. 23.]

AN ACT

To compensate Tales Jurors in the County of St. Clair.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, all tales Jurors in the County St. Clair, shall receive the same pay per diem, that regular drawn Jurors now receive, for every day they actually serve as Jurors, any law to the contrary notwithstanding.

Approved, 26th December, 1843.

[No. 24.]

AN ACT

To change the time of holding the County Court of Russell County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the County Court in Russell County be so altered as to be holden on the first Monday in July, eighteen hundred and forty-four, and on the third Monday in January, eighteen hundred and forty-five, and thereafter annually in every succeeding year.

Approved January 13th, 1844.

[No. 25.]

AN ACT

To authorize the Commissioners' Court of Madison County to borrow a sum of money.

May borrow
money.

Proviso.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Judge of the County Court, and Commissioners of Roads and Revenue for the county of Madison, be, and they are hereby authorized to borrow such sums of money as may be necessary to pay off the debts contracted by the county, in building and enclosing the court house: *Provided,* The same shall not exceed ten thousand dollars: *And provided further,* That no part of said money shall be borrowed from the State Bank or any of its Branches.

May levy tax.

Sec. 2. *And be it further enacted,* That the Judge of the County Court, and Commissioners of Roads and Revenue for the County of Madison, be, and they are hereby authorized and empowered to levy a special tax, not exceeding two thousand five hundred dollars each year, to pay the money borrowed as aforesaid, and said tax shall be continued from year to year until the whole debt is paid.

Approved, January 1, 1844.

[No. 26.]

AN ACT

To change the time of holding the February Term of the County Court of Perry County.

Changed.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That hereafter, the February Term of the County Court of Perry County, shall commence and be holden on the first Monday in February, in each and every year, instead of the time now prescribed by law; and that all writs, subpoenas, and other process issued, returnable to the next Term of said Court, shall be taken and construed to be returnable to the Term of said Court hereby directed to be holden on the first Monday in February next.

Repeal

Sec. 2. *And be it further enacted,* That all laws and parts of laws, contrary to the provisions of this act, be, and the same are hereby repealed.

Approved, 15th December, 1843.

[No. 27.]

AN ACT

To divorce Maria L. Davis from her husband, James Davis.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That in pursuance of a decree of the Chancery Court, Divorce. held at Moulton, in the County of Lawrence, May term, one thousand eight hundred and forty-three, the bonds of matrimony heretofore subsisting between Maria L. Davis and her husband James Davis, be, and same are hereby dissolved and annulled, and the said Maria L. Davis is hereby divorced from her said husband, James Davis.

Approved, 1st January, 1844.

[No. 28.]

AN ACT

To divorce Palatine McElton from her husband, William McElton.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That in pursuance of the decree of the Chancery Divorce. Court for the twenty-eighth District of the State of Alabama, at Florence, on Monday, the seventeenth day of April, eighteen hundred and forty-three, the bonds of matrimony heretofore solemnized and subsisting between Palatine McElton and her husband William McElton, be, and the same are hereby dissolved and annulled, and that said Palatine McElton is hereby divorced from her husband, the said William McElton.

Approved, 1st January, 1844.

[No. 29.]

AN ACT

To repeal An Act entitled, An act to alter and amend the Road Laws, as to the County of Marion.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That an act entitled, an act to alter and amend the Repeal. Road laws, as to the County of Marion, approved second of February, eighteen hundred and forty three, be, and the same is hereby repealed.

Approved, 13th January, 1844.

[No. 30.]

AN ACT

To repeal in part a certain Act therein named, and for other purposes.

Repeals act
of February,
1843.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the third and fourth sections of An Act entitled, "An Act to alter the times of holding certain Courts therein named," approved fourteenth February, eighteen hundred and forty-three, be, and the same are hereby repealed.

County Court
of Franklin,
when held.

Sec. 2. *And be it further enacted,* That the first term of the County Court of Franklin County, be held on the first Monday in February, in each and every year, as provided by law before the passage of the above recited act, and that all process of every kind issued, returnable to said Court at any other time, be held and deemed returnable to said Court at the time provided for in this section.

Of Marion,
when held.

Sec. 3. *And be it further enacted,* That the first term of the County Court of Marion County, be hereafter held on the second Monday in February, in each and every year, instead of the time heretofore prescribed by law, and that all process issued, returnable to said Court at any other time, be held and deemed returnable to said Court on the second Monday in February, as provided in this act.

Repeal.

Sec. 4. *And be it further enacted,* That all laws and parts of laws, contravening the provisions of this act, be, and the same are hereby repealed.

Approved, 26th December, 1843.

[No. 31.]

AN ACT

For the relief of the Methodist Episcopal Church at Mountain-Spring Camp Ground, in Jackson County.

Title vested
in Trustees.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it shall and may be lawful for Edmund Pearson, to convey by title to the Trustees of the Methodist Episcopal Church at Mountain Spring Camp Ground, in Jackson County, all the right, title and claim he may have in and to the south-east quarter of the south west quarter of section seven, in township two, of range eight, east, containing forty acres and forty-two hundredths of an acre, to the use and benefit of said Church: *Provided,* They pay tax on all over two acres.

Approved, 26th December, 1843.

[No. 32.]

AN ACT

To cancel the contract of sale of a certain Sixteenth Section in Russell County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the contract of sale for the sixteenth section, township sixteen and range twenty-nine, in the County of Russell, be, and the same is hereby cancelled; and all notes, choses in action, and other liabilities whatsoever, which may have accrued on account of said sale, be, and the same are hereby barred: *Provided,* That the consent of the purchaser has been obtained, and a majority of the qualified voters of said township have expressed their willingness to the same. Contract cancelled.

Sec. 2. *And be it further enacted,* That all laws and parts of laws contravening the provisions of this act, be, and the same are hereby repealed. Repeal.

Approved, 23d December, 1843.

[No. 33.]

AN ACT

To incorporate the Greensborough Cavalry Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That such persons as have enrolled themselves for the purpose of forming a Company of Cavalry at Greensborough, in the County of Greene, to be styled, "The Cane Brake Legion," together with their successors, be, and they are hereby made and declared a body politic and corporate, by the name and style of the Greensborough Cavalry, with the usual powers incident and common to bodies corporate. Said Company to consist of not less than thirty, nor more than one hundred members; the officers of said Company shall consist of a Captain, two Lieutenants, and one Cornet, and of such non-commissioned officers as said Company may think necessary to appoint. Incorporate and style.

Sec. 2. *And be it further enacted,* That it shall be the duty of said Company to uniform and equip themselves fully and completely in some suitable and proper uniform to be by them selected; and it shall be the duty of said Company, and they are hereby required, to muster at least six times a year. Company shall equip.

Sec. 3. *And be it further enacted,* That the said Cavalry Company shall be wholly free and exempt from the order, control or direction of the Colonel Commandant of the Regiment in which the said Company, or any member of it may be, and Exemption is.

of all officers of the militia of this State, except when called into actual service; and the Captain of said Company shall be compelled to return the strength of said Company annually, to the Adjutant General of the State; also, that the members of said Company be exempt from performing road or street duty, and from serving on juries.

May pass by- laws. Sec. 4. *And be it further enacted*, That said Company shall have power to pass such by-laws as shall be necessary for the good government of said Company; and all fines and forfeitures levied and collected by said Company, from any of its officers or members under such by-laws and regulations as the Company may adopt, shall belong exclusively to said Company, to be by them appropriated as they may think proper: *Provided*, the Legislature may at any time repeal or amend this act.

Proviso.

Approved, 13th January, 1843.

[No. 34]

AN ACT

For the relief of John M. Jackson.

Reliefs

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That it shall be lawful for the Judge of the County Court of the County of Lawrence, to authorize John M. Jackson, as executor of Robert Price, deceased, to sell for cash, so much of the personal property of said decedent, as shall be sufficient to satisfy and pay off subsisting judgments and executions against said estate.

Approved, 26th December, 1843.

[No. 35.]

AN ACT

To divorce Irvin Register from his wife, Mary Register.

Divorce.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That pursuant to a decree of the Chancery Court, for the Eighth Chancery District, in the Southern Division, sitting at Abbeville, in the county of Henry, rendered at the November term of said Court, one thousand eight hundred and forty-three, the bonds of matrimony heretofore solemnized between Irvin Register and his wife, Mary Register, be, and the same are hereby dissolved and annulled; and the said Irvin Register is hereby divorced from his wife, said Mary Register.

Approved, 13th January, 1844.

[No. 36.]

AN ACT

To alter the time of holding the County Court of Morgan County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter the County Court of Morgan county shall be held on the first Mondays in February and July, in each and every year. ^{When held.}

Sec. 2. *And be it further enacted,* That all acts and parts of acts, contravening the provisions of this act, be, and the same are hereby repealed. ^{Repeal.}

Approved, 19th December, 1843.

[No. 37.]

AN ACT

To authorize Abraham Shanklin to emancipate a certain slave therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Abraham Shanklin, a free man of color, of the County of Mobile, be, and he is hereby authorized to manumit and set free his wife, Keissey; reserving the rights of creditors, and on the express condition, that he, the said Abraham Shanklin, shall give bond in the sum of one thousand dollars, with two good and sufficient securities, to be approved by the Judge of the County Court of Mobile County, and payable to the Governor of this State, and his successors in office; conditioned, that the said Keissey shall never become a charge to this State, or any city, town, or county therein: *And provided,* They shall continue to reside in the County of Mobile, unless the condition of said bond be forfeited. ^{Abraham Shanklin authorized to manumit his wife. Proviso.}

Approved, 13th January, 1844.

[No. 38.]

AN ACT

To rescind a certain contract, for the purchase of a part of Section sixteen, Township nineteen, Range three, East, in Talladega County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Cashier of the Bank of the State of Alabama, be, and he is hereby authorized to deliver up to William

Contract to
be rescinded.

Proviso.

Easly, the note or notes given by him and others, for the purchase of the west half of section sixteen, township nineteen, range three, east, in the Coosa Land District, in Talladega county, containing three hundred and twenty acres, more or less: *Provided, however,* That the said William Easly, shall produce to the said Cashier the certificate of the Commissioners for said township, certifying that a majority of the citizens of said township, are in favor of rescinding the contract of purchase of said herein described lands.

Approved, 13th January, 1844.

[No. 39.]

AN ACT

To authorize Charles McCardin, and his associates, to build and enjoy a Fish Trap at the Weduska Shoals, in Coosa River.

Section. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Charles McCardin, Cornelius Smith, John Casey, and William Post, be, and they are hereby authorized and permitted to use and enjoy for their own special benefit and advantage, a Fish Trap, built by them at the Weduska Shoals, in Coosa river, in the county of Shelby, in the year eighteen hundred and thirty-nine, and to build a Fish Trap in place of the same whenever they shall deem best so to do: *Provided,* That said Fish Trap shall in no wise obstruct the navigation of said river.

Approved, 13th January, 1844.

[No. 40.]

AN ACT

To change the time of holding the Commissioners Courts of Roads and Revenue for the County of Madison.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter the Commissioners Court of Roads and Revenue for the County of Madison shall hold its sessions, on the third Mondays in January, April, July, and October, in each and every year, instead of the time now appointed by law for holding the same.

Approved, January 13, 1844.

[No. 41.]

AN ACT

To confer certain privileges upon an Association therein named, as an inducement to navigate the Cahawba River with steam power.

WHEREAS, the navigation of the Cahawba River with steam power would expedite and lessen the risk and expense of the transportation of produce, goods, wares and merchandise, and thereby promote the convenience and prosperity of the inhabitants of the country bordering thereon; and whereas, Leonard A. Weissinger, Blanton McAlpin, David Barton, and their associates, are willing to encounter the expense and difficulties of the navigation of said River with steam, in consideration of the privileges and immunities, hereinafter set forth and contained. Preamble.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Leonard A. Weissinger, Blanton McAlpin, David Barton, and their associates, successors and assigns, are, and shall be entitled to the exclusive right and privilege of navigating the Cahawba River with steamboats, for and during the period fixed in the charter, for the termination of the right to charge toll, heretofore granted to the Cahawba Navigation Company; to wit, until the year eighteen hundred and fifty-eight. Privileges granted.

Sec. 2. *And be it further enacted,* That the said Leonard A. Weissinger, Blanton McAlpin, David Barton, and their associates, successors and assigns, are, and shall be authorized, to charge and collect for the transportation of freight, by steam power, from the points herein named, on the Cahawba River, to the City of Mobile, and from the City of Mobile to those points, the following prices, and no more, to wit: for each and every bale of cotton, from Centreville, and intermediate points between that and Cahawba Old Town, to the City of Mobile, one dollar and seventy-five cents; from Cahawba Old Town, and all intermediate points between that and Mayberry's Landing, to Mobile, one dollar and sixty cents; and from Mayberry's Landing, and all intermediate points between that and the mouth of Cahawba River, to Mobile, one dollar and forty cents; for each and every barrel of freight, from the City of Mobile, to all points on the Cahawba river, below, and up to Mayberry's Landing, one dollar and twenty-five cents; from Mobile to Cahawba Old Town, and all intermediate points between Mayberry's Landing and Cahawba Old Town, one dollar and fifty cents; and from Mobile, to all points above Cahawba Old Town to Centreville, one dollar and seventy-five cents. And for all other kinds or description of freight, they may charge and collect, in a fair ratio, at the aforesaid rates: *Provided,* That all cotton, goods, wares and merchandise, of whatever kind or description, so carried or freighted on board such steamboats, shall be transported free of the tolls, Rates of freight.
Proviso.

which the Navigation Company are authorized to charge and collect, in virtue of their charter.

Privileges,
when to
cease.

Sec. 3. *And be it further enacted*, That the privileges and immunities herein granted, shall cease, and be null and void, if the said Leonard A. Weissinger, Blanton McAlpin, David Barton, their associates, successors and assigns, shall omit and neglect to navigate said Cahawba River, with steam power, within three years from the passage of this act.

Privileges,
when forfeit-
ed.

Sec. 4. *And be it further enacted*, That if the said Leonard A. Weissinger, Blanton McAlpin, David Barton, and their associates, shall fail to navigate the Cahawba River, with steam power, for thirty days at any one time, when there is sufficient water for that purpose, between the first day of November, and the first day of June, in each and every year, then, and in that event, the privileges granted in this act shall be forfeited, unless such failure should be the result of accident, or other sufficient and good cause.

Repeal.

Sec. 5. *And be it further enacted*, That all laws, and parts of laws, contravening the provisions of this act, be, and they are hereby repealed.

Approved, January 13, 1844.

[No. 42.]

AN ACT

To compensate the Commissioners of Roads and Revenue in Russell County.

Court shall
receive per
diem.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the first day of January next, the Commissioners of Roads and Revenue of Russell county, shall receive for their service, when lawfully employed, one dollar and fifty cents per diem, not exceeding twelve days in any one year.

How paid.

Sec. 2. *And be it further enacted*, That the above amount shall be paid out of any money in the hands of the Treasurer, not otherwise appropriated.

Penalty for
neglect of du-
ty.

Sec. 3. *And be it further enacted*, That if any one or more of said Commissioners shall fail or refuse to attend any of said Courts, they shall be fined in the sum of five dollars, for each day said Commissioner or Commissioners refuse or fail to attend; said fine to be assessed by the County Judge, and collected as other fines, and applied to County purposes.

Repeal.

Sec. 4. *And be it further enacted*, That all laws, and parts of laws, contravening the provisions of this act, be, and the same are hereby repealed.

Approved, December 26, 1843.

[No. 43.]

AN ACT

To attach a portion of the Eighteenth Regiment, in Tuscaloosa County, to the Seventeenth Regiment.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That all that section of the County of Tuscaloosa, now forming a portion of the eighteenth Regiment, and part of Beat No. four, in said Regiment, which lies north of the Greensborough road, down that road to the Bear Creek road, thence down the Bear Creek road to the Marion road, thence down the Marion road, to the line between and Beat No. four, and the adjoining Beat, be, and the same is attached to, and shall from and after the passage of this act, compose and form part of the seventeenth Regiment; and the citizens residing in said portion of Tuscaloosa County, shall do military duty in said seventeenth Regiment alone.

Part of 18th
Regiment
attached to
the 17th.

Approved, January 13, 1844.

[No. 44.]

AN ACT

To declare the Patsaliga River a public highway.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the said Patsaliga River, is by this act declared a public highway from the mouth of said River, where it intersects the Conecuh River, to the fork of Big and Little Patsaliga Rivers.

Approved, January 13, 1844.

[No. 45.]

AN ACT

To annex to the City of Montgomery a piece of land therein described.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the limits of the City of Montgomery shall extend to, and include a certain piece of land heretofore conveyed to said city, containing nine and thirty-five hundredths acres, by Amerson's survey, situated immediately east of that point of said city, known as Scott's Town, and inclosed and used as a city burying-ground.

Approved, January 13, 1844.

[No. 46.]

AN ACT

To authorize a portion of the citizens of Henry County, to form a Beat or Volunteer Company, with a less number than forty privates.

Company
formed.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it may be lawful for that portion of the citizens of Henry County, residing on Sandy and Emery Creeks, as well as those residing between said Creeks, to form themselves into a Beat or Volunteer Company, with a less number than forty privates.

Exempt.

Sec. 2. *And be it further enacted,* That all persons who may enroll their names, and perform military duty, shall be exempt from the performance of said duty, in either of the adjoining Beat Companies.

Repeal.

Sec. 3. *And be it further enacted,* That all laws, or parts of laws, contravening the provisions of this act, be, and the same are hereby repealed.

Approved, January 13, 1844.

[No. 47.]

AN ACT

To authorize the Citizens of Autauga County to locate a Seat of Justice for said County.

Duty of sher-
iff in holding
elections.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Sheriff of Autauga county, shall open and hold an election at the different precincts in said county, for the purpose of ascertaining the wishes of the citizens thereof, upon the subject of a removal of the Seat of Justice, in the following manner, to wit: The said Sheriff shall, twenty days previous to the first Monday in August next, notify the people of said county, (by advertisement at each election precinct in said county

First election,
when held.

of Autauga,) that the aforesaid election will be held as above specified, on the first Monday of August next. At which time it is made lawful for all free white citizens over the age of twenty-one years, who are resident citizens of the said county, to vote at said election, for any place in the said county they may think proper; and upon casting up the votes, the two places receiving the greatest number of votes, shall be subjected to a second election: *Provided,* That no one place shall have received a majority of all the votes polled, then and in that case, the place thus receiving a majority of all the votes, shall be the Seat of Justice of said county, and no second election shall be held:

Proviso.

Provided, further, That the present seat of Justice may be voted for and stand upon the same footing with other places which may be voted for.

Sec. 2. *And be it further enacted,* That it shall be the duty of the Sheriff aforesaid, after giving twenty days' notice, to hold a second election on the first Monday in September next, at all the precincts in said county; at which time the two places having received the largest number of votes, as specified in the first section of this act, shall be put in nomination, and be voted for as in the first election; and the place which shall receive the greatest number of votes at said election, on the first Monday in September next aforesaid, shall be the permanent Seat of Justice for said county of Autauga, any law, usage or custom to the contrary notwithstanding.

Sec. 3. *And be it further enacted,* That it shall be the duty of the Sheriff aforesaid, to cause all the votes given in at the several precincts, to be brought together at Kingston, within the three first days following each election, to be compared by the said Sheriff and the Judge and Clerk of the County Court; and on ascertaining the result, it shall be the duty of the Sheriff to make known by public proclamation, the number of votes, the names of the places voted for, and the number of votes for each.

Sec. 4. *And be it further enacted,* That the Judges of the Circuit and County Courts for said County, after the Fall term of the said Circuit Court of said county, for the year of our Lord, one thousand eight hundred and forty-four, shall hold their respective Courts at the place so elected for said County site, and the Clerks of the Circuit and County Courts shall thereafter keep their offices at the said place, or vacate the same: and all writs and process of every nature and kind, returnable to either of said Courts at Kingston, shall be properly and lawfully returnable to the place elected for said County site, whether it be Kingston or some other place, any law to the contrary notwithstanding.

Sec. 5. *And be it further enacted,* That said Sheriff shall cause to be kept, a separate box at each precinct, for the purpose of receiving the votes that are given in for said County site; and said Sheriff, shall hold said election in the same manner that elections are held for members of the General Assembly, with the exception of the provisions contained in the first section of this act.

Sec. 6. *And be it further enacted,* That all laws and parts of laws, contravening the provisions of this act, be, and the same are hereby repealed.

Approved, 13th January, 1844.

[No. 49.]

AN ACT

To restore James Patterson of the County of Franklin, to citizenship.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That James Patterson of the County of Franklin, who was, and is deprived of the rights and privileges of citizenship by operation of law, in consequence of having been convicted of and punished for the crime of larceny, be, and he is hereby restored to all the rights, privileges, and immunities of other citizens.

Approved, January 13, 1844.

[No. 50.]

AN ACT

Explanatory of An Act entitled, An Act to regulate the State Bank of Alabama, and for other purposes, approved fourteenth February, eighteen hundred and forty-three.

State Bonds,
by whom is-
sued.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Governor of the State of Alabama, the State Treasurer, and Comptroller of Public Accounts, be and they are hereby authorized to issue State Bonds, to be substituted for the extension of the State Bonds heretofore sold by the late Branch Banks at Huntsville, Decatur, Montgomery, and Mobile, payable in eighteen hundred and forty-four, which said Bonds to be issued as aforesaid, shall be payable on the first day of June, eighteen hundred and fifty, and renewable or extended at any time thereafter, at the pleasure of the State.

Bonds to
whom paya-
ble, &c.

Sec. 2. *And be it further enacted,* That the Bonds to be issued as aforesaid, shall be made payable to the President of the Bank of the State of Alabama, and shall be transferred by him to the holders of the State Bonds, due in eighteen hundred and forty four, in lieu of the Bonds maturing in eighteen hundred and forty-four, and be by him transmitted to the holder thereof; the interest thereon to be paid at the Counting House of Reid, Irving & Co., of London, or such other place, as the President of said Bank and said Bond holders may agree.

President of
Bank to sign
coupons.

Sec. 3. *And be it further enacted,* That the President of the Bank of the State of Alabama, be, and he is hereby authorized and required to prepare and sign the necessary coupons, for the extension of the Bonds due in eighteen hundred and forty-four, corresponding with the new Bonds so issued or extended.

Approved, 26th December, 1843.

[No. 51.]

AN ACT

Incorporating the Town of Union Springs, in the County of Macon.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, the town of Union Springs, in the County of Macon, be, and the same is hereby incorporated, under the name and style of the "Intendant and Council," of the Town of Union Springs," and under that name, they shall be liable to sue and be sued, may plead and be impleaded, in all manner of suits, both in law and in equity; may have and keep a common seal, and the same break, alter, or amend at pleasure, and in short, shall have power to do all acts incident to bodies corporate; and may purchase, hold, and dispose of, for the benefit of said town, property, real, personal, or mixed, to the amount of five thousand dollars.

Corporate
name and
style.

Sec. 2. *And be it further enacted,* That the corporate limits of said town of Union Springs, shall extend one half mile north, south, east, and west, from Cicero Broom's Hotel, at said Springs.

Limits.

Sec. 3. *And be it further enacted,* That there shall be seven Councillors elected for said town, between the hours of ten o'clock, A. M., and four o'clock, P. M., on the second Saturday of March next; which election shall be conducted by Cicero Broom, Angus C. Hawkins, and William H. Waugh, any two of whom shall have power to act, and shall give certificates of election to the seven persons who shall have received the highest number of votes: *Provided,* The said managers, before they enter on the duties herein assigned them, shall take an oath before a Justice of the Peace, to conduct the said election according to law.

Election of
Councillors.

Proviso.

Sec. 4. *And be it further enacted,* That all subsequent elections for Councilmen in said town, shall be conducted by any two of the Councillors, to be appointed by the board, for that purpose; and it, from any cause, said election shall not take place on the day set apart for holding the same, the board may appoint some other day, not exceeding ten days thereafter for holding said election; and in said elections, all free white males twenty-one years of age, who have been for three months next preceding said election, residents of said town of Union Springs, shall be entitled to vote: *Provided,* That on the second Monday in January, eighteen hundred and forty-five, and on the same day every succeeding year, said election for Councilmen shall be held; first, giving at least five days notice

Future elec-
tions

of the same, by one or more notices, posted in some conspicuous place, within the limits of said incorporation.

Organization
of Board.

Sec. 5. *And be it further enacted*, That within five days after said election is holden, the Councillors elected shall convene in some suitable place in said town, and take and subscribe an oath, before a Justice of the Peace, or some person authorized to administer the same, faithfully to discharge the duties to them committed, without favor, affection, or partiality; and to support the Constitution of the United States, and of the State of Alabama, a certificate of which oath shall be filed with the Clerk of the Board of Councillors.

Intendant.

Sec. 6. *And be it further enacted*, That when said Councillors are qualified, as herein before provided, they shall proceed forthwith, to elect by a majority of votes from their own body, an Intendant, whose jurisdiction shall extend to all laws passed by the Incorporation for its government; and in the absence, or incapacity of the Intendant, any member may be called to the chair; the Intendant shall approve all ordinances, that may be passed by the Board, and shall be *ex-officio* Justice of the Peace, for all purposes connected with said Corporation, and the enforcement of its laws, and shall be entitled to receive for his services in enforcing the laws of the Corporation, the same fees as are allowed to the Justices of the Peace in the County of Macon.

Powers of
Board.

Sec. 7. *And be it further enacted*, That the Board of Intendant and Councillors, or a majority of them, shall have power to pass by-laws and ordinances for the government of said town, not inconsistent with the Constitution or laws of this State, to appoint a Clerk, a Treasurer, a Marshal, and such other officers for said town, as they may deem proper for the good government of the same; and said Board shall prescribe the duties and compensation of said officers, and the same remove at pleasure, for neglect of duty, or mal-practice in office; and said Board may require such bonds from their several officers, as they may deem proper to ensure the faithful performance of their respective duties.

Jurisdiction.

Sec. 8. *And be it further enacted*, That said Councillors or Board, shall have exclusive control over the public streets, alleys, public springs, and wells, and all public works belonging to said Corporation; shall have power to enact and enforce patrol laws, quell riots, and disturbances, suppress indecent and disorderly conduct, prevent and remove nuisances, punish offenders against the by-laws, and pass and enforce all ordinances that may tend to promote the peace and harmony, good order, health and well being of the citizens of said incorporation: *Provided*, That no fine, in any one case, shall exceed twenty dollars.

Sec. 9. *And be it further enacted*, That the said Board, or a majority of them, shall have full power to levy such tax upon the citizens living or holding property, within the limits of said incorporation, as may be necessary, not exceeding fifty cents on each white male person over twenty-one years of age, and twelve and half cents on each negro, eighteen years old and upwards; and at the rate of ten cents, for one hundred dollars on all goods and chattles, lands and tenements being within the limits aforesaid; to levy such tax on all itinerant merchants, pedlers, hawkers, and traffickers, as they may think proper: *Provided*, that in no one case, shall the tax so levied exceed twenty dollars. May levy tax.

Sec. 10. *And be it further enacted*, That from and after the passage of this act, it shall not be lawful for any person or persons, to vend ardent spirits within the corporate limits of said town, under the penalty of one thousand dollars: *Provided*, This act shall not extend to persons now retailing under license from the county, until their license expires; and the County Court shall not have power to authorize any license to be issued authorizing the retail of ardent spirits within the corporate limits of said town, after the passage of this act. Restrictions in vending ardent spirits.

Sec. 11. *And be it further enacted*, That the officers of said corporation shall keep a record of their proceedings, and no by-law shall be in force, until it has been posted in some conspicuous place within said corporation, for at least ten consecutive days. Record to be kept.

Sec. 12. *And be it further enacted*, That the citizens of said town shall not be compelled to work upon, or open roads beyond the limits of said Incorporation. Exemption.

Approved, 13th January, 1844.

[No. 52.]

AN ACT

To authorize the levy of a special tax in the County of Marion.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Commissioners Court of Roads and Revenue for the County of Marion, be, and they are hereby authorized to levy such an amount of taxes, not to exceed the State tax, as will, in their opinion, be necessary and sufficient to build a good and secure jail for said county, and proceed to assess and collect the same in the manner now prescribed by law.

Approved, January 13, 1844.

[No. 53.]

AN ACT

To incorporate the La Fayette Mechanics' Literary and Benevolent Association.

Corporate style.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That James H. Foreman, William J. Adams, John S. Prathe, Thomas Stewart, and their associates and successors, be, and they are hereby declared a body politic and corporate, under the name and style of the La Fayette Mechanics' Literary and Benevolent Association.

Powers.

Sec. 2. *And be it further enacted*, That said body politic and corporate, shall have power to adopt such a constitution and by-laws as may seem to them to be fit, not inconsistent with the the Constitution and laws of this State.

Further powers.

Sec. 3. *And be it further enacted*, That said body politic and corporate, by their corporate name, shall have power to sue and be sued, to contract and be contracted with, to acquire and hold property and dispose of the same: *Provided*, That said real estate, or any other property held by said corporation, shall be held and used exclusively for literary and benevolent purposes.

Approved, 13th January, 1844.

No. 54.]

AN ACT

To Incorporate the Town of Girard, in the County of Russell.

Limits.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the corporate limits of the Town of Girard, in the County of Russell, shall extend a half mile each way, from the centre of said town, and be designated and known as the Town of Girard, and the inhabitants residing within the limits of said town, as hereby established, shall be, and they are hereby created a body politic and corporate; and who shall on first Monday in February next, and on the first Monday in February in each and every year thereafter, elect by ballot an Intendant and five Councillors, residents, house or land holders, who shall be designated and known by the name and style of the "Intendant and Council of the Town of Girard," and by their same corporate name and style, they and their successors in office may sue and be sued, plead and be impleaded, either at law or in equity; and may purchase, have, hold, receive, enjoy and retain in perpetuity, or for a term of years, any estate, real or personal, not exceeding in value ten thousand dollars, and to

Corporate name and style.

sell, lease, or otherwise dispose of the same, for the benefit of said town; also, may have and keep a common seal, and the same break, alter or amend at pleasure; and in general do all acts, which are or may be incident to bodies corporate.

Sec. 2. *And be it further enacted*, That the first election for Intendant and Councilmen, shall be conducted by Moses Cox, Samuel G. Beckwith, and John G. Woodson, or any two of them; and all subsequent elections, shall be conducted by any three persons to be appointed by the Board of Intendant and Councillors of the Town of Girard, and said managers of elections, shall give at least ten days notice of the time and place of said election, by posting the same at any two public places in said town; the polls to be kept open from ten o'clock, A. M. to one o'clock, P. M., at each election; and the Intendant and Councillors before entering on the duties of their office, shall take and subscribe the following oath, before the Judge of the County Court, or any Justice of the Peace for said county, viz: "I do solemnly swear, (or affirm, as the case may be,) that I will well and truly, and to the best of my knowledge and ability execute the duties of Intendant, (for Intendant,) Councillor, (for Councilmen) of the town of Girard, without fear, favor or partiality. So help me God."

First election.
Qualification of officers.

Sec. 3. *And be it further enacted*, That any elector of said town, who is of the age of twenty-one years or upwards, shall be eligible, either to the office of Intendant or Councilman, and should the said Intendant remove from the said town, or be absent therefrom for three months at any one time, without the consent of the Councillors, his office shall be vacated: and should any Councilman remove from said town, or shall be absent for three months, at any one time, without the consent of the Intendant, and the other Councillors, his or their office shall be vacated; and it shall be the duty of the remaining part of the board, forthwith to supply the vacancy or vacancies so occurring.

Eligibility of voters.

Sec. 4. *And be it further enacted*, That in the event of any vacancy occurring in the office of Intendant, either by death, resignation, or otherwise, the Councillors shall choose one of their body, Intendant *pro tempore*, who shall continue in office as Intendant, until the next succeeding annual election; and if any vacancy shall happen in the Board of Councillors, by death, resignation, or otherwise, then, and in that case, it shall be the duty of the Intendant to appoint managers to hold an election to fill such vacancy or vacancies, who shall, after giving five days previous notice, proceed to open the polls for such election, and after the same it shall be their duty to make known to the successful candidate his election.

Vacancies.

Sec. 5. *And be it further enacted*, That all white free male citizens of the age of twenty-one years and upwards, who shall

Qualification of voters. have resided within the limits of said town three months, immediately preceding an election for Intendant and Councillors, or either of them, and all house holders, or free holders therein, who shall have resided within the limits of said town, one month previous to said election, shall be deemed qualified voters at said election for Intendant and Councillors, or either of them.

Powers. Sec. 6. *Be it further enacted*, That the Intendant and Councillors, or a majority of them, shall have power to adjourn their meetings, from time to time: *Provided*, The Intendant may from time to time, and at any time, call a meeting of the Councillors by written notice, designating the time and place of meeting; and on application of any two or more Councillors, the Intendant shall call a meeting in like manner; they shall keep a journal of their proceedings, and record all their official acts and doings, and the yeas and nays on every question or subject, shall be taken and recorded, at the request of any member of the board, and all deliberations of said Intendant and Council shall be public.

Intendant. Sec. 7. *And be it further enacted*, That the Intendant of said town shall be *ex-officio* a Justice of the Peace, within the limits of the same.

May pass by-laws. Sec. 8. *And be it further enacted*, That the said Intendant and Councillors shall have authority to enact such ordinances and by-laws as they may deem necessary for the good order and government of said Town of Girard; to prevent and remove nuisances of every description, and which may extend to the promotion of health; to establish night watches, patrols or town guards, erect lamps, regulate the paving or flagging, guttering and railing the side walks; protect by adequate penalties, shade and ornamental trees in said town; provide for licensing and regulating such retailers of liquors as they may deem the interest of said town shall require: *Provided*, That such persons as they may see fit to license, shall first have obtained a license from the County Court, and the said board shall have power to license, tax and restrain, at pleasure, theatrical amusements, shows and museums of all kinds whatsoever, within said corporation; to clear, put and keep in order, the streets of said town; to restrain and prohibit all nightly and disorderly meetings of slaves, free negroes or mulattoes, and all knavish or disorderly persons; to restrain all white persons or free persons of color, and slaves from trading with slaves, without a written order or permit from his, her, or their owner, or owners, or their agent or overseer; and in general to pass such ordinances and by-laws, not contrary to the Constitution of this State, and the laws thereof, as the said Intendant and Council shall from time to time deem expedient and necessary, to carry into effect the intent and meaning of this act, and the same to put into execution, and revoke and alter the same as shall be deemed expedient. The said Inten-

Proviso.

Intendant and Council shall appoint a Clerk, a Treasurer, a Marshal, Powers.
and an Assessor, and such other subordinate officers as they may deem expedient and necessary, and require such security for the faithful discharge of their duties, as may be deemed adequate; and said Board of Intendant and Councilmen may impose appropriate fines, penalties, and forfeitures for the breach of their ordinances and by-laws, not to exceed fifty dollars for every offence; recoverable with costs, in the name of the Intendant and Council of the Town of Girard, for the use of said town, before the Intendant thereof, for which suit may be commenced by warrant returnable forthwith: *Provided*, That all ordinances and by-laws shall be subject to repeal by the Legislature of this State, and that nothing herein contained shall be so construed as Proviso.
to prevent appeals to the Circuit and County Courts, in the same manner, and under the same rules and regulations, as appeals are taken from Justices of the Peace.

Sec. 9. *And be it further enacted*, That the said Intendant and Council shall have power to levy and collect a tax on real estate, not exceeding twenty-five cents on every one hundred dollars worth, when the lots are improved with a house, or houses, and enclosure; and not exceeding one dollar on every one hundred dollars worth, when not improved with a house or houses and enclosure; and not exceeding fifty cents on every one hundred dollars worth of stock in trade, and all other personal property kept within the corporate limits of the Town of Girard: *Provided*, The tax on real and personal estate be laid in proportion to the value thereof, according to an assessment and valuation, given by the owner or owners, his, her, or their agent, or by the assessor appointed by the Intendant and Council; and should any person think his or her property assessed too high, he or she shall have a right to complain to the Intendant and Council, who shall consider and reduce said assessment, if in their opinion, it has been placed too high by said assessor, and their opinion shall be final. May levy tax. Proviso.

Section 10. *And be it further enacted*, That the Intendant and Council of said Town of Girard, shall appoint an overseer, or overseers of the streets of said town, and shall require and regulate the working of the same, not exceeding ten days in each year, and may exempt, at their discretion, from working on the same, all persons they may think proper, and all persons living within the corporation, liable by law to work on roads and highways, by paying an additional poll tax, not exceeding five dollars per head on each one so liable to work, for the use of said town, shall be exempt from working on the same. Overseers of streets.

Approved, January 13, 1844.

[No. 55.]

AN ACT

To authorize the levying a special tax to build a Court House, in the County of St. Clair.

Court shall
levy tax.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Judge of the County Court and Commissioners of Roads and Revenue, are hereby authorized and required to levy a special tax for the purpose of defraying the expenses of building a Court House in the County of St. Clair.

Court house
Commission-
ers.

Sec. 2. *And be it further enacted,* That Moses Dean, Jesse Collins, John S. James, John F. Dill, and John Edwards, be, and they are hereby appointed Commissioners to direct and superintend said building, and that the said Commissioners here appointed shall have full power to execute the purpose of this act, and shall have full discretionary power as to the building of said Court House, as to the materials and manner of its construction, and they may contract with any person or persons for the building of the same.

Deficiency
may be made
up.

Sec. 3. *And be it further enacted,* That if the amount so raised shall not be sufficient to defray the expense of said building the first year, the Commissioners of Roads and Revenue in said county shall continue to levy a tax from year to year until the amount is raised to defray the expense of said Court House.

Fund how
it.

Sec. 4. *And be it further enacted,* That the Tax Collectors shall be required to keep the amount so raised separate and apart from every other fund, and shall be under the control and subject to the order of said Commissioners here appointed to direct and superintend said building.

Approved, December 26, 1843.

[No. 56.]

AN ACT

To levy a special tax in Franklin County.

Commission-
ers Court au-
thorized to le-
vy special tax

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it shall be lawful for the Judge of the County Court and Commissioners of Roads and Revenue for the County of Franklin, from and after the passage of this act to levy such tax as they or a majority of them may deem necessary to defray the annual expenditures of said county, to meet such claims as may now exist against said county: *Provided,* That such tax shall not exceed the amount of the State tax now authorized by law; all laws and parts of laws to the contrary notwithstanding.

Approved, January 13, 1844.

[No. 57.]

AN ACT

To authorize the duties of Clerk of the Circuit and County Court of Washington County, to be performed by the same person.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, the duties, rights and privileges of the Clerk of the Circuit Court, and Clerk of the County Court of Washington County, shall be holden and discharged by the same person, for and during the constitutional term of office : *Provided,* It shall receive the sanction of the majority of the qualified voters of said county, to be ascertained by electing the same individual to both offices.

Sec. 2. *And be it further enacted,* That all laws and parts of laws contravening the provisions of this act, be, and the same are hereby repealed.

Approved, January 13, 1844.

[No. 58.]

AN ACT

To authorize William Spear and his associates, to erect a Toll Bridge across the Conecuh River.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That William Spear and his associates, be, and they are hereby authorized to erect a Toll Bridge over the Conecuh river, on any land belonging to said Spear, in section seven, township one, and range eleven : *Provided,* That the Bridge shall be so constructed as not to obstruct the free navigation of any flat-boat or other water craft, which usually or may hereafter navigate said river at an ordinary high stage of water ; and the Judge of the County Court, and Commissioners of Roads and Revenue of Conecuh county, shall have power to fix the rates of tolls for said Bridge. May build bridge.

Sec. 2. *And be it further enacted,* That it shall be the duty of the said William Spear and his associates, and their heirs and assigns, when the said Bridge shall have been completed, to keep the same in perfect order and repair ; and the said William Spear and his associates, and their heirs and assigns, are hereby rendered liable to make good all damages that any person may sustain, either in person or property, from his or their failure so to keep in repair said Bridge. Liabilities.

Approved, 13th January, 1844.

[No. 59.]

AN ACT

For the relief of Larkin Poe.

Larkin Poe.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Treasurer of the State, be, and he is hereby authorized, to pay to Larkin Poe, out of any moneys in the Treasury not otherwise appropriated, the sum of thirty-three dollars, for expenses incurred by the said Larkin Poe in procuring the arrest and effecting the conviction of William Hogan and — Douglass, charged with larceny from dwelling houses; and convicted thereof at the late term of the Circuit Court of Tuscaloosa county.

Approved, 13th January, 1844.

[No. 60.]

AN ACT

To regulate the Fees of the Judge of the County Court of Monroe County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, the Judge of the County Court of Monroe, shall, in place of the fees now allowed by law, receive the following fees:

Fees of Judge
County Court
Monroe Co.
changed.

Sec. 2. For granting letters testamentary, or of guardianship, or of administration, one dollar and fifty cents:

For any order necessary in any case over which said Judge has jurisdiction, fifty cents:

On judgments and decrees, two dollars:

For examining, stating and reporting the accounts of executors, administrators or guardians, (which shall include compensation for examining vouchers, and performing every service connected with the partial or final settlement of an estate, except the granting of letters testamentary and the necessary orders,) two dollars.

Sec. 3. For every day employed in the settlement of the estates of executor, administrator or guardian, five dollars.

Repeal.

Sec. 4. *And be it further enacted,* That all laws contravening the provisions of this act, be, and the same are hereby repealed.

Approved, 13th January, 1844.

[No. 61.]

AN ACT

To authorize the Commissioners of Roads and Revenue, together with the County Judge, to levy a Tax to pay for the building of a Court House in Russell County.

Section. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, it shall be lawful May levy tax. for the Commissioners of Roads and Revenue, together with the County Judge of Russell county, to levy a tax, to pay for the building of a Court House in said county.

Approved, 13th January, 1843.

[No. 62.]

AN ACT

To regulate the pay of Tales Jurors, in the County of Benton.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, Tales Tales Jurors Jurors in the county of Benton, shall not receive pay for their services unless detained more than one day, any law to the contrary notwithstanding.

Approved, 13th January, 1844.

[No. 63.]

AN ACT

To compensate the Sheriff of Sumter County, for *ex-officio* services.

WHEREAS, owing to the unusal and extraordinary amount of *ex-officio* services performed by the Sheriff of Sumter county, Preamble. it is proper and just that a reasonable compensation should be paid him for such services; Therefore,

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That in addition to the amount now allowed by law, the Commissioners of Roads and Revenue, be, and they Sheriff to be paid for ex-officio services. are hereby authorized to pay to the Sheriff of Sumter county, the sum of fifty dollars per annum, for such *ex-officio* services: *Provided,* The same shall be paid out of the County Treasury.

Approved, 13th January, 1844.

[No. 64.]

AN ACT

To authorize Joseph Maharry to erect Gates across a certain Road therein named.

Toll gate
may be es-
tablished.

Proviso.

Section. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Joseph Maharry, of the county of Tuscaloosa, be, and he is hereby authorized, to erect a Gate at some point, (where the road leaving the State road, at or near Foster's Ferry, and intersecting the Sanders' Ferry road, near the plantation of Mrs. Lucretia Robinson,) may strike the farm of said Joseph Maharry, and also a Gate at some point where the said road may leave said farm: *Provided,* That said Gates shall be so constructed as not to prevent travelling, and that no toll be charged for passing through the same: *And provided further,* That the Commissioners' Court of Roads and Revenue of the county of Tuscaloosa, may at any time order said Gates to be removed, if the public interest and convenience shall require it.

Approved, 13th January, 1844.

[No. 65.]

AN ACT

To alter and amend an act, Incorporating the City of Wetumpka, and establishing a City Court therein, passed the thirtieth day of January, eighteen hundred and thirty-nine.

Division of
the city.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the act incorporating the City of Wetumpka, and establishing a City Court therein, passed on the thirtieth day of January, one thousand eight hundred and thirty-nine, be so amended, that said City of Wetumpka shall be divided into two Wards, instead of six, as provided by the original charter; and that the First Ward shall be composed of that portion of said City which now comprises the first, second, and third Wards, and generally known as West Wetumpka; and that the Second Ward shall be composed of that territory which now comprises the fourth, fifth and sixth Wards, being that portion of said City commonly known as East and North Wetumpka.

Election of
aldermen.

Sec. 2. *And be it further enacted,* That in each of the two aforesaid Wards, thus bounded and organized, there shall be annually elected, three Aldermen, residing in said Wards, who shall possess the same qualifications, and be elected at the same time, and hold their offices in like manner, and perform the same duties as required by the existing Charter of said City.

Sec. 3. *And be it further enacted*, That the debts, liabilities and expenses which have already been incurred, or may hereafter be incurred by each of said Wards, thus provided and constituted from the several Wards aforesaid, shall be borne and discharged in the same manner and proportions as the debts, liabilities and expenses of West Wetumpka East Wetumpka, and North Wetumpka are at this time respectively borne, according to the provisions of the act to which this is an amendment, incorporating the said City of Wetumpka. Of debts.

Sec. 4. *And be it further enacted*, That all laws or parts of laws, contravening the provisions of this act, be, and the same are hereby repealed, and that this act take effect from and after its passage. Repeal.

Approved, 13th January, 1844.

[No. 66.]

AN ACT

To explain an act therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That so much of the first section of an act entitled, "An Act requiring the Tax Collector of Benton county to receive county claims in payment of county taxes, and for other purposes, approved thirteenth February, eighteen hundred and forty-three," shall not be so construed as to embrace the certificates of State witnesses, which have been heretofore numbered or registered in the office of the County Treasurer, of said county.

Approved, 13th January, 1844.

[No. 67.]

AN ACT

To reduce the compensation of the Sheriff of Tuscaloosa County, for attendance on the Supreme Court.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Sheriff of Tuscaloosa county, shall be allowed two hundred dollars per annum, for attending on the Supreme Court, and no more; payable in the manner now prescribed by law.

Approved, 13th January, 1844.

[No. 68.]

AN ACT

To authorize the Sheriff of Walker County to perform Constables' business.

Section. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, the Sheriff of Walker county shall be, and he is hereby required to perform the duties of Constable in any beat in said county.

Shall give additional bond.

Sec. 2. *And be it further enacted,* That the said Sheriff, shall be required to give an additional bond, with good security, in the penal sum of one thousand dollars, for the faithful performance of his duties as Constable; which bond shall be approved by the Judge of the County Court, and may be sued on as other Constables' bonds.

Sec. 3. *And be it further enacted,* That all laws and parts of laws, contravening the provisions of this act, be, and the same are hereby repealed.

Approved, 13th January, 1844.

[No. 69.]

AN ACT

For the relief of James Burroughs, from the purchase of a certain Sixteenth Section in the County of Clarke.

Relief of Jas Burroughs.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That with the assent of the School Commissioners of Section Sixteen, (16) Township eleven, (11) of Range one (1) west, or that portion thereof which is known and designated as lots A and B and C, of said section, lying and being in the county of Clarke, and State aforesaid, the contract for the sale of said portions of said section, with one James Burroughs, may be rescinded, and the notes given for the purchase money may be delivered up: *Provided,* The maker or some other person for him, shall pay or cause to be paid all costs that may have accrued thereupon: *And provided also,* That such written assent of the Commissioners, to be filed with the clerk of the county court of Clarke County, shall specify and set forth that the sense of the qualified voters of said township has been taken, and that a majority of the said voters in said township, shall assent to such rescission.

Sec. 2. *And be it further enacted,* That all laws and parts of laws conflicting with the provisions of this act, be, and the same are hereby repealed.

Approved January 13th, 1844.

[No. 70.]

AN ACT

To restrict the Corporate Limits of the Town of Allenton,
in Wilcox county, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the limits of the Town of Allenton, in the county of Wilcox, shall only extend one quarter of a mile from the centre, as mentioned in the act of incorporation, each way ; so as to make one half mile square the limits of said Town, instead of the limits heretofore prescribed. Limits defined.

Sec. 2. *And be it further enacted*, That the fourth section of an act entitled, "An Act to incorporate the Pleasant Ridge Male and Female Academy, in Wilcox county, approved fifteenth February, eighteen hundred and forty-three," be, and the same is hereby repealed. Repeal.

Approved, 13th January, 1844.

[No. 71.]

AN ACT

To Incorporate the Claiborne Female Seminary, in Monroe County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That James H. Draughon, William R. Agee, James M. Lindsay, Adam Carson, Lawrence R. Moore, John L. Marshall, Walton Cook, Theophilus H. Williams, and Sugar R. Davis, be, and they are hereby constituted a body corporate, under the name and style of the Trustees of the Claiborne Female Seminary. Trustees incorporated.

Sec. 2. *And be it further enacted*, That the said Trustees shall have power to appoint one of their body President, and shall have power to appoint a Secretary, a Treasurer, and such other officers, and make such additions to the number of Trustees, as they deem necessary or expedient for the well being and good government of said Institution; and to appoint teachers, as to them may seem expedient, and shall have power to define the duties of each of said officers and teachers, and to define the rates of tuition, and the same to increase or diminish at pleasure, with the further power to make and execute all contracts that may be necessary in and about said Institution, and to fill all vacancies that may occur in the Board of Trustees from any cause, and to appoint the time of holding the meetings of said Board; and shall have power to make all such by-laws for the regulation and government of said Seminary, Powers.

Proviso. as they or a majority of them may deem necessary, and to alter or amend the same at pleasure: *Provided*, such by-laws are compatible with the Constitution and laws of this State and the United States.

Powers. Sec. 3. *And be it further enacted*, That the said Corporation, by its corporate name, shall be capable in law to have and to use a common seal, and the same to break, alter, or renew at pleasure, and of suing and being sued, of pleading and being impleaded, of answering and being answered in all kinds of actions, of receiving donations, and making purchases of property which shall inure to them and their successors in office, of holding real and personal estate not exceeding twenty thousand dollars.

Sec. 4. *And be it further enacted*, That the Trustees in connection with the teachers in said Institution, shall have the power to grant certificates of honor to young ladies, as in their judgment they, or a majority of them shall think proper.

Approved, January 13th, 1844.

[No. 72.]

AN ACT

To require an Extra Term of the Circuit Court of Pickens County.

Extra term. Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the Judge of the Seventh Judicial Circuit, be, and he is hereby required to hold an extra term of the Circuit Court of Pickens County, on the second Monday in June next, and continue in session until all the business is disposed of.

What cases tried. Sec. 2. *And be it further enacted*, That no new business shall be introduced in the extra term of said Court, as provided for in the first section of this act; nor shall business introduced at the April term just preceding said extra term be tried, but stand over until the regular term in October.

Jurors. Sec. 3 *And be it further enacted*, That it shall be the duty of the Sheriff to summon jurors for said extra term, as in the manner and form provided by law for regular terms of the Court.

Approved, 13th January, 1844.

[No. 73.]

AN ACT

To compensate Robert Fenner and Thomas B. Jones, for labor done and performed, under Executive appointment.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the sum of three hundred dollars, be, and the same is hereby appropriated, to Robert Fenner and Thomas B. Jones, for services rendered under Executive appointment, as Commissioners to wind up and settle the affairs of the Courtland Land Office; to be paid out of any money in the Treasury not otherwise appropriated; and the Comptroller of Public Accounts is hereby required to issue his warrant for the same. Robt Fenner
Thos B Jones

Approved 13th January, 1844.

[No. 74.]

AN ACT

To compensate Clement C. Clay and J. Withers Clay, for certain services therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That Clement C. Clay and J. Withers Clay, be allowed the sum of eight hundred and fifty dollars, as compensation for superintending the printing, and correcting the proof sheets of the late Digest; and for digesting the laws of the last session of the Legislature; payable out of any money in the Treasury, not otherwise appropriated. C C Clay
J W Clay

Approved, 12th January, 1844.

[No. 75.]

AN ACT

For the relief of Mary Ford, Milley Burton, and others.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, Mary Ford, the wife of Noah Ford, of the county of Coosa, and Milley Burton, the wife of Edmund B. Burton, of the county of Tuscaloosa, shall be capable in law of taking and holding by purchase, gift or inheritance, any property, real or personal, in the same manner and to the same extent, that a *feme sole* may Mary Ford.
M. Burton.

do; and the property so hereafter to be obtained, shall be free from liabilities for or on account of the debts of their said husbands.

May hold prop-
erty hereafter
acquired. Sec. 2. *And be it further enacted*, That the said Mary Ford and Milley Burton, may, and shall be allowed to hold, in like manner free from the debts of their husbands aforesaid, all and any property which they may accumulate hereafter by their own care and industry.

Extended to
Mary Hinson Sec. 3. *And be it further enacted*, That all the privileges and immunities of the first section of this act, be, and the same are hereby extended to Mary Hinson, wife of Atlas Hinson, of the county of Wilcox; Mary White, wife of Nelson H. White, of the county of Lawrence; and Cornelia D. Womack, wife of Willie Womack, of Macon county.

To Mary E.
Montgomery Sec. 4. *And be it further enacted*, That the provisions of this act be, and they are hereby declared to be applicable, in all respects to Mary E. Montgomery, wife of Peter B. Montgomery, of Fayette county.

Approved, 13th January, 1844.

[No. 76.]

AN ACT

Relating to the duties of Clerks of Courts, and Register in Chancery, in Sumter County.

Reversed In-
dexes to be
kept. Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That it shall be, and it is hereby made the duty of the Clerks of the Circuit and County Courts, and of the Register in Chancery in Sumter County, to provide themselves with suitable books, and prepare or cause to be prepared, reversed Indices, in alphabetical order, of the parties to the several deeds, judgments, decrees, and other matters of record in their respective offices, and to keep up and continue such Indices of the deeds, judgments, decrees, and other matters of record hereafter to be entered.

Commission-
ers Court
shall make
allowance. SEC. 2. *And be it further enacted*, That it shall be the duty of the Commissioners Court of Roads and Revenue for said County, to make and order, a reasonable compensation to said Clerks and Register for the labor and expense in making and bringing up indices, for the past; but the making and keeping of such indices for the future, shall be part of the ordinary duties of the Clerks and Register aforesaid; any law or parts of laws to the contrary notwithstanding.

Approved, 13th January, 1844.

[No. 79.]

AN ACT

For the relief of Milly Sample.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, it shall be lawful for Milly Sample to take, receive and hold by purchase, gift, or inheritance, any property, real or personal, free from the hindrance, molestation or authority of her husband, A. H. Sample, and the same to dispose of by will, gift, or sale, and that all property acquired by her from and after the passage of this act, shall in no wise be subject to the debts of her said husband; and that the said Milly Sample shall possess all the rights and privileges, and be subject to all the liabilities of a *feme sole*.

Milly Sample.

Approved, 13th January, 1844.

[No. 78.]

AN ACT

To rescind a certain contract therein described, made between Meshack Turner, and the School Commissioners of Township nineteen, Range twenty-five, in the Tallapoosa Land District.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the contract heretofore made between Meshack Turner, and the School Commissioners of township nineteen, and range twenty-five, in the Tallapoosa Land District, for the south-east quarter of section nine, in lieu of section sixteen, in said township, be, and the same is hereby rescinded; and the said Meshack Turner is hereby discharged from the payment of any note or notes, he may have given in payment for said land.

Contract rescinded.

SEC. 2. *And be it further enacted,* That the said south east quarter, of township nineteen, and range twenty-five, revert to the said School Commissioners, to be dealt with by them, as though said contract with the said Turner had never been effected: *Provided,* The said Meshack Turner will procure the consent, in writing, of a majority of the legal voters in said township, and procure a certificate of that fact from the Commissioners, or a majority of them, that they are willing for said contract to be rescinded.

Land to revert to School Commissioners.

Proviso.

SEC. 3. *And be it further enacted,* That when the said Meshack Turner shall produce to the officers of the Branch

Notes to be
delivered.

Bank at Montgomery, the certificate aforesaid, they are hereby required to deliver him the note or notes he may have given for said land: *Provided*, He also, pays all interest that may have accrued thereon to be computed to the day he applies for the same.

Approved, January 13, 1844.

[No. 79.]

AN ACT

To amend An Act, entitled, "An Act to run and mark out the line between the Counties of Shelby and Jefferson."

Preamble.

WHEREAS, Joel Cross, of the county of Shelby, and Hugh Copeland, or the county of Jefferson, were by an act of the Legislature, approved December second, eighteen hundred and forty-two, appointed Commissioners to run and and mark out the line between the counties of Shelby and Jefferson; and whereas, said Commissioners failed to carry out the provisions and intent of said act: Therefore,

Commission-
ers appointed

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That John McClanahan, of the county of Shelby, and John Oliver, of the county of Jefferson, be, and they are hereby appointed Commissioners to run and mark out said line, and to do and perform all the duties which were required to be performed by the former Commissioners, in said act: *Provided*, Said line shall be run and marked out by the first day of December next.

Sec. 2. *And be it further enacted*, That all laws and parts of laws, contravening the provisions of this act, be, and the same are hereby repealed.

Approved, 15th January, 1844.

[No. 80.]

AN ACT

In relation to the rescission of a certain contract of purchase of a part of the Sixteenth Section in Township twelve, Range five, in Wilcox County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the assent of all the qualified voters of said township, being first had and obtained together with the assent

of the makers of the notes given for the purchase money thereof, the Commissioners of said township, be, and they are hereby authorized to rescind the contract of sale of that portion of the aforesaid Sixteenth Section heretofore made to one Edmund Waddle, of said county: *Provided*, The said Edmund Waddle assent to the same: *And provided further*, That the said Commissioners shall have and obtain the unanimous consent of the citizens of said township, before they proceed to rescind said contract; and the State Bank at Tuscaloosa is hereby authorized and required to deliver up to said Waddle his notes given for the purchase money of said portion of said Sixteenth Section upon the presentation of the certificate of said Commissioners, properly authenticated, setting forth, that all the qualified voters of said township have assented to the rescission of the contract above stated, and that the makers of the notes aforesaid have agreed thereto, that said Waddle has surrendered said land to said Commissioners Court, the Sheriff of said county is hereby authorized and required to pay back to said Waddle any portion of the interest he may have paid on said notes, or any judgment in favor of said Bank after said notes.

Conditions upon which contract shall be rescinded.

SEC. 2. *And be it further enacted*, That the purchasers of the Sixteenth Section, or any part thereof, in township nine, of range seven, east, in De Kalb County, and the School Commissioners therein be authorized to rescind the contract of sale for the same, in the same manner as directed in the first section of this act.

Contract in De Kalb rescinded.

Approved, January 16th, 1844.

[No. 81.]

AN ACT

To authorize Philip Lightfoot to erect Gates on a certain Road therein named.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Philip Lightfoot of the County of Greene, be, and he is hereby authorized to erect a gate on that part of a public road in said county, leading through Daniel's Prairie, known as the Old Columbus road, which runs through the lands of the said Philip Lightfoot: *Provided*, That the Commissioners Court of Roads and Revenue of said county, shall have power to direct said gates to be thrown open at any time the said court may think public convenience require it.

Authorized to erect toll gates.

Approved, 16th January, 1844.

[No. 82.]

AN ACT

To Incorporate the Jackson County Guards.

Name and
style.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the volunteer company organized at Bellefonte, in the county of Jackson, under the name and style of the Jackson County Guards, be, and they are hereby declared a body corporate, according to the Military Code of this State.

How formed.

Sec. 2. *And be it further enacted,* That for the purpose of forming said volunteer company, one company of the first battalion of the first regiment, shall be dissolved, and the commanding officer of the first regiment, shall, if he deems it necessary, order a regimental court martial, to re-organize the said battalion, or make such changes as may become necessary for carrying this act into effect.

Repeal.

Sec. 3. *And be it further enacted,* That all laws and parts of laws contravening the provisions of this act, be, and the same are hereby repealed.

Approved, 15th January, 1844.

[No. 83.]

AN ACT

To divorce certain persons therein named.

Divorces.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That in pursuance to decrees of the several Chancery Courts of this State, hereinafter mentioned, the bonds of matrimony heretofore solemnized and subsisting between the following named persons, be, and the same are hereby dissolved and annulled:

Douglass
from Doug-
lass.

And that Robert Douglass be divorced from Lucinda Douglass, his wife, pursuant to the decree rendered by said Chancery Court for Talladega county, at the July term of said court, one thousand eight hundred and forty-three:

Fortson from
Fortson.

And that Peter E. Fortson be divorced from Naomi Fortson, his wife, pursuant to the decree of the Chancery Court, sitting for the twenty-first Chancery district, of the middle division, at the June term of said court, one thousand eight hundred and forty three.

And that Louisa Isabell Jannerett be divorced from Thomas Jannerett
McDaniel Jannerett, her husband, pursuant to the decree of the court from Jannerett.
Chancery Court for Mobile county, at the April term of said court, one thousand eight hundred and forty-three :

And that Elsey Brown be divorced from William Brown, her Brown from
husband, pursuant to the decree of the Chancery Court, sitting Brown.
at Centreville, for the twenty-sixth Chancery district, at the
August term of said court, one thousand eight hundred and
forty-three :

And that Lee L. James be divorced from Hannah K. James, James from
his wife, pursuant to the decree of the Chancery Court of the James.
counties of Chambers and Randolph, sitting at La Fayette, at
the May term of said court, one thousand eight hundred and
forty-three :

And that Benjamin S. Parsons be divorced from Eliza T. Par- Parson from
sons, his wife, pursuant to the decree of the Chancery Court. Parson.
held at Warrenton, in the county of Marshall, at the June
term of said court, one thousand eight hundred and forty-
three :

And that Jesse Jackson be divorced from Lucinda Jackson, Jackson from
his wife, pursuant to the decree of the Chancery Court, for Jackson.
Tallapoosa county, at the May term of said court, one thousand
eight hundred and forty three :

And that Rebecca Kithel be divorced from William S. Ki- Kithel from
thel, her husband, pursuant to the decree of the Chancery Kithel.
Court, for the county of Limestone, at the May term term of
said court, one thousand eight hundred and forty-three :

And that John Shannon be divorced from Angeline A. Shan- Shannon
non, his wife, pursuant to the decree of the Chancery Court, from Shan-
sitting at Huntsville, in the county of Madison, at the May non.
term of said court, one thousand eight hundred and forty-
three :

And that Asa Wright be divorced from Elizabeth Wright, Wright from
his wife, pursuant to the decree of the Chancery Court, for the Wright.
seventh Chancery district in the Southern Chancery Division, at
Greenville, at the May term of said court, one thousand eight
hundred and forty-three :

And that George Rapalje be divorced from Ann Rebecca Ra- Rapalje from
palje, his wife, pursuant to the decree of the Chancery Court, Rapalje.
for the county of Mobile, at the August term of said court, one
thousand eight hundred and forty-three :

And that William H. Clay be divorced from Moranda Clay, Clay from
his wife, pursuant to the decree of the Chancery Court, sitting Clay.
in and for the county of Madison, at the May term of said
court, one thousand eight hundred and forty-three :

And that Louisa Stewart be divorced from Robert M. Stew- Stewart from
art, her husband, pursuant to the decree of the Chancery Court, Stewart.
for the fifteenth Chancery district, at La Fayette, in the county

of Chambers, at the May term of said court, one thousand eight hundred and forty-three.

Shannon
from Shan-
non.

And that Samuel H. Shannon be divorced from Drucilla Shannon, his wife, pursuant to the decree of the Chancery Court, in and for the county of Greene, at Eutaw, at the June term of said court, one thousand eight hundred and forty-three.

McAdory
from McAdo-
ry.

And that Eliza Jane McAdory be divorced from Samuel McAdory, her husband, pursuant to the decree of the Chancery Court, sitting at Huntsville, in and for the county of Madison, at the June term of said court, one thousand eight hundred and forty-three.

Name chang-
ed.

Sec. 2. *And be it further enacted*, That the said Rebecca Kithell shall hereafter be known and called by the name of Rebecca McCarjo, and not by the name of Rebecca Kithell.

Approved, 16th January, 1844.

[No. 84.]

AN ACT

To change the time of holding the County Court of Dallas County, and for other purposes.

When held.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the first day of April next, the terms of the County Court of Dallas County shall be held on the third Monday in June and December, in each and every year.

Shall set till
business is
disposed of.

Sec. 2. *And be it further enacted*, That hereafter the Judge of that Court shall hold the terms thereof until all the business therein shall be disposed of, and on Thursday or Friday of each week of the term, the Judge of said Court, (in case he thinks the business cannot be done during the then current week,) shall cause the box prepared according to the tenth chapter of the Penitentiary Code, to be brought into Court, and then and there in open Court, shall cause to be drawn the names of twenty-four persons to serve for the next succeeding week; and thereupon, the Clerk shall issue a *venire facias*, accordingly, upon which the Sheriff, if any there be, (if none, the Coroner,) shall proceed to summon the said persons named in the *venire* forthwith, and the drawing, issuing of a *venire facias*, and summoning shall be renewed from week to week, as long as it shall be necessary, in the opinion of the Judge, for the entire disposal of the business: *And be it also provided*, That in case any one of the persons so drawn shall be within

Jurors shall
be drawn.

the hearing of the Court, a notice from the Sheriff or Coroner, of his having been so drawn, shall be sufficient.

Sec. 3. *And be it further enacted*, That the Clerk of said Court shall arrange the causes according to priority on the trial docket, and allot a certain number of causes for certain days of the term, and shall issue subpœnas for witnesses to attend accordingly. Duty of Clerk

Sec. 4. *And be it further enacted*, That all laws and parts of laws contravening the provisions of this act, be, and the same are hereby repealed.

Approved, 17th January, 1844.

[No. 85.]

AN ACT

For the relief of Sarah Ann Black, of Wilcox County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, Sarah Ann Black, wife of Kenneth Black, of the county of Wilcox, shall be capable in law, of receiving and holding by gift, purchase, or inheritance, any property, real or personal, in the same manner, and to the same extent, that a *feme sole* may do; and the property which she may hereafter acquire by gift, inheritance, or purchase, as aforesaid, shall be free from liability for, or on account of any of the debts of her said husband. Relief.

Approved, 15th January, 1844.

[No. 86.]

AN ACT

To extend the powers of the Town Commissioners, in De Kalb County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Town Commissioners, or a majority of them, appointed by an act, entitled an act, to locate the seat of Justice of the County of De Kalb, and for other purposes, approved the twenty-ninth January, one thousand eight hundred and thirty-nine, be, and they are hereby constituted the proper authority, to enter in the proper Land Office in the Coosa Land District, any land, to which the said County of De Kalb may be adjudged by the proper department, entitled to pre-emption on account of said County site. Powers.

Approved, 16th January, 1844.

[No. 87.]

AN ACT

To require an extra term of the Court to be holden in the Third District and Southern Division, and for other purposes.

When held.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Chancellor of the Southern Division, or any other Chancellor in this State, be, and he is hereby required to hold an extra term of the Chancery Court, at Livingston, in Sumter county, on the first Monday in June, in each and every year, and that the same remain in session for the term of two weeks.

Process.

Sec. 2. *And be it further enacted,* That subpœna to answer, and other Chancery process, be made returnable to such extra term, under the same rules and regulations, and with the same jurisdiction in the Court, as though it were a regular term.

Approved, 15th January, 1844.

[No. 88.]

AN ACT

For the relief of the citizens of Township Sixteen, of Range Seven, East, the County of Benton.

Relief granted.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Branch of the Bank of the State of Alabama at Montgomery, be, and she is hereby required, to settle with, and pay over to the Commissioners of Township sixteen, of Range seven, east, in the county of Benton, all such sums of money, which may be due said Township, by way of interest, arising from the notes deposited in said Bank, proceeds of the sale of the sixteenth section of land; which interest arising as aforesaid, has been lost by the management of the Bank, to the Township, and heretofore withheld from said Township.

Approved, 15th January, 1844.

[No. 89.]

AN ACT

For the benefit of Lewis Bishop, of the County of Talladega.

Preamble.

WHEREAS, it is represented by the petition of sundry citizens of Talladega county, that Lewis Bishop of said county, has been by bodily affliction, placed in a condition which renders

him unable to support a numerous family by the ordinary means of industry.

Section 1. *Be it Therefore, enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That said Lewis Bishop, be, and he is hereby authorized to peddle goods, wares, and merchandise, ardent spirits excepted, in any county in this State, free of any tax for license: *Provided always,* That such privilege shall only extend to him personally: *Provided,* The privileges granted by this act shall only apply to the county Talladega. May peddle.
Proviso.

Approved, 16th January, 1844.

[No. 90.]

AN ACT

For the benefit of the Military Academy at Eufaula.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Governor be, and he is hereby authorized, to furnish the Military Academy at Eufaula, as many arms as shall be sufficient for its purposes, on condition that the commandant shall give bond and security for the safe keeping, and final return of said arms. Governor
may furnish
arms.

Approved, 16th January, 1844.

[No. 91.]

AN ACT

To change the time of holding the County Court of Shelby County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, the Fall terms of the County Court of the county of Shelby, shall commence and be held on the first Monday in November, in each and every year. Fall Term,
when held.

Sec. 2. *And be it further enacted,* That the Spring terms of said Court, shall commence and be held on the first Monday in May, in each and every year, after the year one thousand eight hundred and forty-four, any law to the contrary notwithstanding. Spring Term

Approved, 16th January, 1844.

[No. 92.]

AN ACT

To add a part of the Twenty-Sixth to the Thirtieth Regiment of Alabama Militia.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That so much of the twenty-sixth regiment that is included in the county of Clarke, be, and the same is hereby added to, and shall be a part of the thirtieth regiment, and any law to the contrary is hereby repealed.

Approved, 16th January, 1844.

[No. 93.]

AN ACT

For the relief of Francis G. de Malempre.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Francis G. de Malempre, of the city of Tuscaloosa, is declared and made capable of inheriting the real estate whereof Christopher Vanner, deceased, died seized and possessed, in the same manner as if the said deceased, the said Malempre, and all persons through whom he may claim the same, were natural born citizens of the United States.

Power to inherit.

Relinquishment of interest of the State.

Sec. 2. *And be it further enacted*, That all title, claim, interest and demand, which this State might have in the lands whereof the said deceased died seized and possessed, are hereby vested in the said Malempre.

Approved, 16th January, 1844.

[No. 94.]

AN ACT

To authorize the transfer of causes from the Orphans' Court to the Chancery Court, in certain cases.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That when any Judge of the County Court, of any county in this State, may be interested as counsel, creditor, or by consanguinity or affinity, in any cause pending in the Orphans' side of said County Court, it shall be the duty of the Judge of such court, to order, in term time, a transfer of all the original papers of the cause, and a transcript of all the orders therein, to the Chancery Court of the proper Chancery district.

Approved, 15th January, 1844.

[No 95.]

AN ACT

To authorize the Court of Roads and Revenue of Lawrence County to levy a tax.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Commissioners Court of Roads and Revenue for Lawrence County, be, and they are hereby authorized to levy a tax for county purposes on the citizens of said county: *Provided,* Said tax shall not exceed fifty per cent. on their State tax.

Approved, January 15, 1844.

[No. 96.]

AN ACT

To amend the charter of the Town of Marion, in Perry County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, the Constable of the Town of Marion, in Perry County, shall be authorized to deliver any and all persons convicted of offences against the laws and ordinances of said town, to the jailer or other keeper of the jail in said county; and the said jailer or keeper of the jail is required to receive and keep such offender in his custody till he receives a certificate of the payment of the fines and all cost, from the Intendant or one of the Councilors. Duty of Constable.

Sec. 2. *And be it further enacted,* That when a fine shall be assessed against any person or persons for any breach of the by-laws of said town, the Intendant or any member of the Council shall issue a warrant or execution to the Town Constable requiring him to detain such offender in custody till the fine or fines and costs are paid, which warrant shall issue instant, and shall be the only authority required of the Constable by the jailer. Collection of fines.

Sec. 3. *And be it further enacted,* That the Intendant and Council of said town shall only be authorized to sue before a Justice of the Peace for civil demands, and dues arising from taxes on persons and property, and not for violations of the by-laws; and in all civil suits before a Justice of the Peace, such Justice shall not be one of the Councillors or Intendant of said town. Suits for civil demands where brought.

Sec. 4. *And be it further enacted,* That in every election to be holden by the citizens of Marion for Intendant and Councilmen, there shall be elected four Councilmen and an In- Elections.

tendant; the four individuals receiving the highest number of votes for Councilmen shall be elected to that office, and the individual receiving the highest number of votes for Intendant shall be elected to that office, for the twelve months next succeeding their election.

Repeal.

Sec. 5. *And be it further enacted*, That all acts and parts of acts contravening the provisions of this act, be, and the same are hereby repealed.

Approved, January 16, 1844.

[No. 97.]

AN ACT

For the relief of Jacob Merrill, of the County of Covington.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, that Jacob Merrill, residing near the county line, dividing the counties of Covington and Butler, shall be deemed and held as a citizen of the County of Butler.

Approved, January 16, 1844.

[No. 98.]

AN ACT

To provide for selecting Grand Jurors, in the County of Marion.

By whom
drawn.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That hereafter it shall be lawful for the Clerk of the Circuit Court and Sheriff, under the inspection of the Judge of the County Court of Marion County, to select from among the citizens thereof, sixteen suitable persons, who, in their opinion, shall be well qualified to serve as Jurors in the Circuit Courts of said county, who shall be summoned to attend by the Sheriff, from whom a grand jury, consisting of thirteen, shall be drawn as now provided for by law.

Petit Jury,
how made
up.

Sec. 2. *And be it further enacted*, That a petit jury shall be made up of the by-standers, who shall be in attendance at Court to act with such of the original panel, (if any) who may remain after selecting a grand jury as aforesaid, but no number of the original panel shall be requisite to constitute a good and lawful jury to try any cause in said Circuit Court.

Approved, January 16, 1844.

[No. 99.]

AN ACT

Authorizing the rescission of a contract of the sale of a part of a certain Sixteenth Section, in Shelby County.

Section. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Commissioners of the Sixteenth Section, Township twenty-one, Range two, West, in Shelby County, be, and they are hereby authorized to rescind the contract of sale of that portion of the Sixteenth Section in said Township, heretofore made to one John Johnson: *Provided,* The said John Johnson assents to the same: *And provided further,* The said Commissioners shall have and obtain the consent of two-thirds of the citizens of said Township to such rescission. And the State Bank at Tuscaloosa is hereby authorized and required to deliver up to said Johnson his notes, given for the purchase money of said portion of said Sixteenth Section, upon the presentation of the certificate of said Commissioners, certifying the rescission of said contract as above provided. Contract may be rescinded.
Proviso.

Sec. 2. And upon the assent of two-thirds of the citizens of said Township, and of the said John Johnson, said Commissioners are authorized hereby to receive back said land, and to lease the same pursuant to law. When.

Approved, January 16, 1844.

[No. 100.]

AN ACT

To authorize and require the President and Directors of the Branch Bank at Huntsville, to consummate a certain contract.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the President and Directors of the Branch of the Bank of the State of Alabama at Huntsville, be authorized and required to carry into effect and consummate a contract made by William A. Austin, an authorized agent of said Branch, with James Williams of Jackson County, for the sale by said Branch Bank of a certain tract of land in Jackson County, being the South part, (B) of Fractional Section, thirty-two, in Township one, of Range nine, East, in the Huntsville land district, containing eighty and seventy-five hundredths acres, being part of the lands of Sampson Reese sold for the benefit of said Bank. Shall carry out contract with J. Williams. *Provided,* That the debts owing by said Sampson Reese, to the said Branch Bank shall be first paid or secured to the satisfaction of the President and Directors of the Branch Bank at Huntsville. Proviso.

Approved, January 15, 1844.

[No. 101.]

AN ACT

Authorizing the formation of a Captain's Company, in De Kalb County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That all persons subject to do military duty, residing on Sand Mountain, in De Kalb County, in the neighborhood of the precinct at Howard Owen's, be formed into a Captain's Company; which may consist of a less number than forty privates, or as many as may enroll themselves as belonging to said company, which company, when organized and formed, shall be subject to do all military duty or duties that are now required by law.

Approved, January 16, 1844.

[No. 102.]

AN ACT

To establish and abolish certain Election Precincts, therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the following Election Precincts, be, and the same are hereby established, to wit :

Established

Russell

At the store house of Smith and Davis, in the County of Russell :

Talladega

At Hudson's Mill, at the house of Joseph McConnethy, and also one at the house of Jesse Forman, in the County of Talladega :

Tuscaloosa

One at the house of F. C. Halls, and at the house of Daniel Hews, in the County of Tuscaloosa :

Autauga

At the house of Moses Barbour, in Beat number twelve, in the County of Autauga :

Morgan

At the house of Jesse Roan, Morgan County :

Montgomery

At B. G. Hagerty's Mills, in the County of Montgomery :

Clarke

At Carlton's store house, in the County of Clarke: and at Powell's Gin house, in the County of Clarke :

Macon

At Howse's store, in Macon County :

Jefferson

At the house of Elijah Self, in Jefferson County :

Macon

At Pleasant Grove, near the house of John Phillips, in the County of Macon :

Pickens.

At the Town of Memphis, in Pickens County.

Abolished

Sec. 2. *And be it further enacted,* That the following election precincts, be, and they are hereby abolished, to wit:

Autauga

The election precinct heretofore established in Beat number twelve, in Autauga County :

The election precinct in Franklin County, Known as the Mis- Franklin
sionary precinct:

Also, the precinct at Gamble's Mills, at Hogan's Cow-pens, Talladega
and at Pine Spring, in the County of Talladega:

At Grigg's Store, Beat number five, Russell County: Russell

At the house of Stapleton, in the County of Tuscaloosa: Tuscaloosa

At Mitchell's Mills in the County of Montgomery: Montgomery

And at Peach Grove, in the County of Morgan: Morgan

Sec. 3. *And be it further enacted*, That the Election Precinct here-
tofore established at the house of Simmons, near eight mile Mobile.
Creek, in the County of Mobile, be, and the same is abolished.

Approved, January 16, 1844.

[No. 103.]

AN ACT

To fix the pay of Jurors and Witnesses in the County of
Randolph.

Section 1. *Be it enacted by the Senate and House of Represen-
tatives of the State of Alabama in General Assembly convened*,
That from and after the passage of this act, Jurors and Wit- Jurors and
nesses, in all cases, attending as such, in the county of Ran- Witnesses
dolph, shall hereafter receive one dollar per day, only, besides pay.
mileage and ferriage, instead of one dollar and fifty cents per
day, as now allowed by law.

Sec. 2. *And be it further enacted*, That all laws and parts Repeals.
of laws, contravening the provisions of this act, be, and the same
are hereby repealed, so far as concerns the county of Ran-
dolph.

Approved, 16th January, 1844.

[No. 104.]

AN ACT

To incorporate the Rocky Mount Academy, in the County of
Lowndes.

Section 1. *Be it enacted by the Senate and House of Rep-
resentatives of the State of Alabama in General Assembly
convened*, That John D. Kirkpatrick, John D. Chesser, Leon-
ard Loftin, Bartlett Hilliard, and James L. Crow, and their Corporate
successors in office, are hereby established a body corporate, by style.
the name of the "President and Trustees of the Rocky Mount
Academy, of Lowndes county;" and by that name shall have
power to receive donations, borrow money, purchase, have and

hold real estate not to exceed the sum of twenty thousand dollars; to sue and be sued, plead and be impleaded, and to recover all debts that may become due, owing, or belonging to said Institution, as the property thereof.

Powers. Sec. 2. *And be it further enacted*, That said Trustees shall have power to fill vacancies in the Board of Trustees, to appoint a President, Secretary and Treasurer, and to prescribe such by-laws, and regulations as may conduce to the good order and well being of said Institution.

Retail of spirituous liquors prohibited. Sec. 3. *And be it further enacted*, That it shall not be lawful for any vendor of spirituous liquors, to offer, sell or otherwise dispose of the same, within one mile of said Institution, under a penalty of twenty-five dollars for each offence, recoverable on conviction before any Justice of the Peace for said county.

Approved, 16th January, 1844.

[No. 105.]

AN ACT

To provide for taking the Census of the State of Alabama, for the year one thousand eight hundred and forty-four, and for other purposes.

Person to be appointed to take the Census. Oaths. Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Judge of the County Court, and Commissioners of Roads and Revenue, in each county, shall on the first Monday of April, Anno Domini, one thousand eight hundred and forty-four, at a special term of the court, to be called for that purpose, elect a fit person to take the Census or enumeration of the inhabitants of their respective counties, for the said year; and the person so elected, before he enters upon the duties of his office, shall take and subscribe the following oath, viz: "I, A B, do solemnly swear, that I will faithfully take the Census of ——— county, according to the true intent and meaning of the 'Act to provide for taking the Census of the State of Alabama, for the year one thousand eight hundred and forty-four, approved, the ——— day of ———, Anno Domini, one thousand eight hundred and forty-four.' So help me God." Which oath shall be filed in the office of the clerk of the County Court.

Duty of Census taker. Sec. 2. *And be it further enacted*, That it shall be the duty of the person elected as aforesaid, to make personal application to the heads of all families, and to persons not belonging to any family, within the counties for which they shall

Compensa-
tion.

enumeration, as aforesaid, the following compensation, to wit : for each hundred under one thousand, two dollars; for each hundred over one thousand, and not exceeding two thousand, one dollar and seventy-five cents; for each hundred over two thousand, and not exceeding three thousand, one dollar and fifty cents; for each hundred over three thousand, and not exceeding five thousand, one dollar and twenty-five cents; when it exceeds five thousand, one dollar per hundred; and three dollars each for the two copies herein before required to be forwarded to the Secretary of State.

Duty of Sec-
retary of
State.

Sec. 6. *And be it further enacted*, That it shall be the duty of the Secretary of State, to forward to the Judge of the county court of each county in this State, immediately after the passage of this act, a certified copy of the same; it shall also be his duty to lay before the Speaker of the House of Representatives, at the next annual session, one copy of the enumeration, heretofore required to be forwarded to him; and to grant to the taker of the Census aforesaid, his certificate, stating that the two copies required by this act, have been received by him; and specifying therein the total number of the inhabitants of the county.

Sec. 7. *And be it further enacted*, That the Comptroller shall issue his warrant on the Treasurer, in favor of the person appointed as aforesaid, for the sum which may be due him, according to the rate of compensation heretofore provided.

Enumeration
regulated.

Sec. 8. *And be it further enacted*, That the enumeration herein required to be made, shall embrace such persons only as were citizens of the respective counties (within which they are enumerated), on the first day of April, one thousand eight hundred and forty-four: *Provided*, That any person or persons, removing into any county after that time, from another county in this State, and swearing that they have not been enumerated in the county from which he or they came, may be included.

Person ap-
pointed fail-
ing to act—
liable.

Sec. 9. *And be it further enacted*, That if any person, who may be elected under this act, shall fail to perform the duty herein assigned him, he shall forfeit the compensation herein before provided; and also the sum of two hundred dollars, to be sued for in the name of the Judge of the County Court, and paid into the county treasury.

Vacancies.

Sec. 10. *And be it further enacted*, That the Judge of the County Court shall fill all vacancies that may occur, and such person shall receive compensation in proportion to the services by him actually rendered.

Further du-
ties of Census
takers.

Sec. 11. *And be it further enacted*, That the person in each county, taking the Census, shall also ascertain and report to the Adjutant and Inspector General of the State, all the persons liable to do militia duty.

Sec. 12. *And be it further enacted*, That the Census taker in each county, shall ascertain, and report to the Secretary of State, the number of colleges and academies in their respective counties; also, the number of common schools, and the number of scholars at such colleges, academies, and schools, designating the number of each kind. Report to be made of Schools, &c.

Sec. 13. *And be it further enacted*, That all laws and parts of laws, contravening the provisions of this act, be, and the same are hereby repealed. Repeal.

Approved, 13th January, 1844.

[No. 106.]

AN ACT

To raise a Revenue for the support of the State Government, and to maintain the faith and credit of the State of Alabama.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That all lands within this State liable to taxation, shall be divided into four classes:—Lands of the first quality or class, shall be valued at sixteen dollars per acre; of the second class, at ten dollars; of the third class, at four dollars; and of the fourth class, at one dollar and twenty-five cents per acre; and the owner, or person giving in the same, shall state on oath, the class to which he or she believes his or her lands belong; and all lands shall be returned, and the taxes thereon paid, to the assessor or collector, as the case may be, of the County wherein the same may lie. Land classed. Class how ascertained.

Sec. 2. *And be it further enacted*, That where, by reason of proximity to a city or town, or navigable water course, any of the lands liable to taxation shall be of greater value than the class to which, by the foregoing section of this bill, they would be properly assigned, then such lands, so increased in value, shall be taxed at their value, to be estimated by the owner or person giving in the same, on oath; and whenever such lands shall not be given in for taxation, or if the assessor shall believe that the same have not been valued sufficiently high, he shall proceed to have the same valued, as prescribed by the existing law. When to be valued, and how ascertained.

Sec. 3. *And be it further enacted*, That there shall be levied and collected, upon all lands subject to taxation in this State, twenty cents for every hundred dollars' value thereof, to be ascertained as aforesaid; upon all lots or buildings, in any city or corporate town, twenty cents upon each hundred dollars' value thereof, to be ascertained by the person giving in the same, on oath; and if the owner of such lots or buildings shall fail or refuse to give in the same, then it shall be the duty of the assessor Tax on Land. Lots.

to proceed to ascertain the value of the same, as prescribed in the second section of this act, in relation to lands.

Slaves, &c. Sec. 4. *And be it further enacted*, That upon all slaves over ten, and under fifty years old, there shall be levied and collected the sum of sixty cents; and upon all slaves under ten, fifteen cents; and upon all free negroes and mulattoes, over twenty and under sixty years, two dollars; and upon every deck of playing cards, twenty-five cents; upon all household furniture, over and above three hundred dollars in value, twenty cents upon each hundred dollars' value thereof, to be estimated by the oath of the party giving in the same.

Playing Cards.

Household Furniture.

Goods at Auction. Sec. 5. *And be it further enacted*, That upon all goods sold at auction, or by any auctioneer, upon which he receives commissions, except such goods as shall be sold by execution, order or decree of any of the Courts of this State, or by virtue of any mortgage with power of sale, or deed of trust, there shall be assessed and collected one per centum upon the amount so sold, whether the same be sold at public outcry, or by the auctioneer at private sale. Upon all moneys loaned at legal interest, to any person in or out of this State, or moneys owned, one fourth of one per cent.; upon all moneys used or laid out in what is usually termed shaving, or loaned at illegal rate of interest, or used in the purchase of promissory notes, judgments, or other securities for the payment of money, fifty cents upon every hundred dollars' amount of paper, notes, or other securities so purchased or shaved; upon all moneys or credits used in the purchase of the bills of the Banks of the State of Alabama, or other Bank bills, or in the purchase or sale of domestic or foreign bills of exchange, or checks, drafts, or certificates of deposit, twelve and a half cents upon every hundred dollars of the amount of bills, checks, drafts or certificates of deposit so purchased or sold:

Money at Interest.

Used in Shaving.

Proviso. *Provided*, That the same shall be applicable solely to persons and corporations who employ such moneys and credits for the purpose of profit, but shall not be levied upon persons or corporations who employ such moneys or credits in any business from which a profit is not derived from the purchase or sale of any such Bank bills, domestic or foreign exchange, checks, drafts or certificates of deposit; and all factors, domestic or foreign commission merchants, cotton brokers and auctioneers, shall pay twenty cents for every hundred dollars' amount of their commissions or brokerage accruing to them in their business as factors, commission merchants, brokers or auctioneers; upon every hundred dollars' amount of merchandise sold, domestic or foreign, (except such articles as are manufactured in this State,) twenty cents. And if any person or persons, liable to pay tax under the provisions of this section, shall fail or refuse to give in a true account of the amounts hereby required to be assessed, by the twentieth of May in each and every year, it shall be the duty of the assessor or collector, as the case may be, to assess upon such

Factors, &c.

Merchandise sold.

Failure to give in assessment to be made.

person so failing or refusing, the sum of three thousand dollars; and the collector shall proceed to collect the same, together with such per centum as the County Court shall have levied on the State tax, which sum shall be collected and paid over as other taxes: *Provided*, That the provisions of this section shall not be in force until the first day of May next; and after the said first day of May, the several items of taxation embraced in this section, shall be computed from that time to the first of May next thereafter, and so on from the first day of May in one year, to the first day of May in the next succeeding year. Time of computing items.

Sec. 6. *And be it further enacted*, That all owners or keepers of warehouses where cotton is received on storage, shall be required to pay, on each bale received on storage, the half of one cent; which amount shall be given to the assessor, in the same manner and under the same penalties as heretofore prescribed by law. Cotton bales stored.

Sec. 7. *And be it further enacted*, That all owners or keepers of public ferries, toll bridges or turnpike gates, shall pay one half of one per cent. for every hundred dollars gross income from ferriage, toll or pikeage, by them so received, to be given in and paid in the same manner and under the same penalties, as is prescribed in the fifth section of this act. Public Ferries, &c.

Sec. 8. *And be it further enacted*, That all practicing lawyers, physicians, surgeons and dentists, shall pay one half of one per centum on the gross amount of their professional income. And all persons receiving a fixed annual salary from the public Treasury, or from any Bank in this State, or from any mercantile house, or from the University, or any College or other High School in this State, shall pay one half of one per centum upon said salaries, and on failure or refusal to give in an account of said salaries, to be subject to the penalties prescribed in the fifth section of this act. Tax on Lawyers, Physicians, and salaried Officers, &c.

Sec. 9. *And be it further enacted*, That upon every hundred dollars of the income of any Insurance Company, incorporated by the authorities of this State, or of any Insurance Company residing out of the State, the agent of which transacts business in this State, the sum of one half of one per centum shall be levied, and if the President, or other legal officer of said Insurance Company, incorporated as aforesaid, or the agent of any Insurance Company residing out of this State as aforesaid, shall fail or refuse to give in the true amount of the income of said incorporated companies or agencies, to the assessor or collector, as the case may be, it shall be the duty of the assessor or collector, as the case may be, to assess the sum of one thousand dollars, upon said companies or agencies, which shall be collected, and accounted for as prescribed in the fifth section of this act, in relation to factors, commission merchants, cotton brokers and auctioneers. Insurance Companies.

Duty of State Treasurer. Sec. 10. *And be it further enacted*, That it shall be the duty of the State Treasurer to deposit in the Bank of the State of Alabama, the whole amount that may remain in the Treasury after defraying the necessary expenditures of the State Government, and the funds so deposited shall be applied to the payment of the interest on the State Bonds, and in case the amount deposited by the Treasurer shall not be sufficient to pay the accruing interest, which will be due in the year eighteen hundred and forty-five, then the President and Directors of said Bank shall add so much of their own funds to the sum deposited from the Treasury, as will be sufficient to pay the interest as aforesaid; and the said President and Directors shall apply the funds hereby set apart, to the payment of the interest due in eighteen hundred and forty-five, upon the Bonds of the State.

Repeal. Sec. 11. *And be it further enacted*, That so much of an act entitled an act to raise a revenue for the support of the State Government, and for other purposes, approved thirteenth February, eighteen hundred and forty-three, as conflicts with the provisions of this act, be, and the same are hereby repealed; and all the provisions of said act, which do not contravene the provisions of this act, be, and the same are hereby declared to be in full force and effect.

Approved, January 15, 1844.

[No. 107.]

AN ACT

Explanatory of a Revenue Act passed in January, one thousand eight hundred and forty-four.

Explanatory of "Money's Owned." Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the words "moneys owned," in the fifth section of an act to raise a revenue for the support of the State Government, and to sustain the faith and credit of the State of Alabama, shall be construed to apply only to money hoarded or laid up, and not to money actively employed in trade, business or otherwise.

Approved, January 16, 1844.

[No. 108.]

AN ACT

In relation to the appointment of Assessors, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That whenever, from any cause, the Judge of the

County Court and Commissioners of Roads and Revenue may find any difficulty in procuring the services of a competent Assessor for any one Beat, that then, and in such case, it may be lawful for such Judge and Commissioners to appoint one Assessor for two, three or more Beats; or if such Judge and Commissioners may deem it expedient, for the entire County. That in all Counties where the County tax is not ascertained by a percentage on the State tax, that it shall be the duty of the Assessor or Assessors, to assess the County taxes under the direction of said Judge and Commissioners.

Power of the Court in appointing assessor.

Sec. 2. *And be it further enacted*, That it shall be the duty of the Assessors in the several Counties in this State, so to arrange the books of their assessments, as to show in separate columns, the number of acres of land, the amount of taxes assessed upon lands, the number of slaves over and under ten, and the amount of tax thereon, the amount of white poll tax, and the aggregate amount upon all other taxable articles; and it shall also be the duty of the Clerks of the several County Courts to make the returns as now required by law, to the Comptroller's office, in the same order. And the Comptroller shall furnish forms accordingly, to show in each column the amount of that species of taxable property.

Duty of Assessor.

Approved, January 17, 1844.

[No. 109.]

AN ACT

To define and establish the County Line between the Counties of De Kalb and Cherokee.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the line between the Counties of De Kalb and Cherokee, shall begin at Rhea's Bridge, on Big Will's Creek, from thence along Asa Allen's line to the top of the Lookout Mountain, from thence to Black Creek, thence up Black Creek to the Falls of the same, thence a direct course to Grady's, on said mountain, so as to leave said Grady in De Kalb County, from thence a direct course along said mountain to McDonald's, thence a direct course to Long's Cabin, and from thence, in the same direction, to the Georgia line, which line above designated, is hereby established as the dividing line between the said Counties of De Kalb and Cherokee.

Line defined.

Sec. 2. *And be it further enacted*, That hereafter, should it be considered necessary by either of said Counties to run and mark said dividing line, as designated in the first section of this act, it shall be the duty of the Commissioners' Court of such

May be marked and how.

Proviso.

County to make an order for the same, and cause a notice of the time and place of said survey to be served upon the County Surveyor of the other County, and that each County pay its own Surveyor; for which the Commissioners' Court of Roads and Revenue, in each of said Counties, are hereby authorized to make appropriations. That all laws and parts of laws, contravening the provisions of this act, are hereby repealed: *Provided*, said dividing line shall not be established as above designated, if it reduce the County of Cherokee below the constitutional number of square miles.

Approved, 16th January, 1844.

[No. 110.]

AN ACT

For the support of Paupers in the County of Shelby.

Court may
take title to
land.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Judge of the County Court, and Commissioners of Roads and Revenue, for the County of Shelby, be, and they are hereby authorized, whenever they, or a majority of them, shall deem it necessary, to purchase and receive title to any quantity of land, not exceeding one quarter of a section; which title shall be made to the Judge of the County Court of Shelby County, and his successors in office, and shall vest in, and be the property of said County of Shelby, for the purpose of erecting thereon and maintaining a Poor House, in said County.

Erect build-
ings.

Sec. 2. *And be it further enacted*, That said Judge and Commissioners are hereby authorized to contract for the building of all necessary houses for the purposes herein mentioned, and do every thing else necessary to be done; the expenses of which purchase and contracts, shall be paid out of the County Treasury of Shelby County.

Admission of
Paupers.

Sec. 3. *And be it further enacted*, That whenever it shall appear to the Court of Commissioners of Roads and Revenue of Shelby County, that any person is a subject of public charity and support, he, she or they, so soon as there be a Poor House in said County, may be ordered by said Court to be conveyed to the said Poor House, to be taken care of and supported; and said Court is authorized to employ some suitable person to superintend said Poor House, and take care of all the poor of said County of Shelby placed within the same.

Quarterly
visits of
Court.

Sec. 4. *And be it further enacted*, That it shall be the duty of said Judge and Commissioners, or a majority of them, to meet at said Poor House at least once in every three months, for

the purpose of examining into the condition of the land, buildings, furniture and treatment of the paupers; and the said Court shall have power to dismiss any person from the charge of said Poor House, at the pleasure of said Court, and to make all such rules and regulations as to them may seem advisable, with due regard to economy and the comfort of the poor.

Sec. 5. *And be it further enacted*, That said Judge and Commissioners shall keep a book, and enter therein a statement of ^{Record to be kept.} disbursements and receipts, as well as a general record of all their proceedings in relation to said Poor House and its inmates, and make an annual report of the same, to be entered upon said book; which shall at all times be kept open, for the inspection of the citizens of said County.

Sec. 6. *And be it further enacted*, That at the first Court of said Commissioners of Roads and Revenue, after said Poor House ^{Overseers of Poor.} shall be built, the said Court shall appoint one discreet person in each Captain's Beat, to act as an Overseer of the Poor, whose duty it shall be to report to each term of said Court, what person or persons are within his Beat, properly the subjects of charity and public support, and whether such person or persons have gained a legal residence in said County; and the said Court shall inquire into the facts and make such order as is required by the third section of this act, or such other order (if they should determine against such report,) as said Court shall deem proper and expedient; and the said Overseers so appointed, shall continue in office one year, and said Court shall, at each term thereof, fill all vacancies occasioned by death, removal or otherwise.

Sec. 7. *And be it further enacted*, That before any Super- ^{Of the Super-} intendant shall enter upon the duties of his office, he shall enter ^{intendant.} into bond, with two or more good securities, payable to the Judge of the County Court of said County, and his successors in office, to be approved of by said Commissioners' Court of Roads and Revenue, and in such penalty as said Court may direct, conditioned for the faithful discharge of the duties of his office; and said bond shall not be void on the first recovery, but may be sued on as often as the Judge and Commissioners shall be of opinion that the conditions have been violated.

Sec. 8. *And be it further enacted*, That all laws and parts of ^{Repeal.} laws, contravening the provisions of this act, be, and the same are hereby repealed.

Approved, January 15, 1844.

[No. 111.]

AN ACT

To confer certain powers and privileges therein named.

Preamble.

WHEREAS, Elsy Clay, a *feme sole* of the County of Franklin, being without children or issue, and being possessed, in her own right, of an estate, and having signified to this General Assembly, by a written memorial, that it is her desire that one Ann Elizabeth Wooldridge, a niece of the said Elsy Clay, should be made capable in law and equity, to inherit from the said Elsy Clay, as fully and completely as if she were of the legitimate issue of the said Elsy Clay: Therefore, in accordance with the wishes of the said Elsy Clay, and in view of the premises,

E. Wooldridge
legitimized.

Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That Ann Elizabeth Wooldridge, daughter of the late Gibson Wooldridge, be, and she is hereby made and declared to be as capable, both in law and equity, to inherit from the said Elsy Clay, any estate, either personal, mixed or real, as fully and completely as she could do if she were of the legitimate issue of said Elsy Clay, any law, usage or custom to the contrary, notwithstanding.

Approved, January 16, 1844.

[No. 112.]

AN ACT

For the relief of Jesse Howard and John Agnew, and others.

Governor au-
thorized to re-
mit fines.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Governor is hereby authorized to remit the fine imposed upon Jesse Howard and John Agnew, upon a conviction for illegal voting, at the late Fall Term of the Circuit Court of Perry County, in the year eighteen hundred and forty-three, if to him it shall seem reasonable and proper.

Sec. 2. *And be it further enacted,* That the Governor is hereby authorized to remit the fine imposed upon David S. Black, upon a conviction for an assault with an intent to kill, upon one Andrew J. Garner, in the Circuit Court of Morgan County, at the March Term thereof, eighteen hundred and forty-two.

Approved, January 16, 1844.

[No. 113.]

AN ACT

Incorporating the Town of Dayton, in Marengo County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, the Southwest quarter of Section thirteen, the Southeast quarter of Section fourteen, the Northeast quarter of Section twenty-three, and the Northwest quarter of Section twenty-four, all in Township sixteen, Range four, East, in the Demopolis Land District, be, and the same is hereby incorporated, under the name and style of the Intendant and Council of the Town of Dayton; and under that name, they shall be liable to sue and be sued, may plead and be impleaded, in all manner of suits, both in law and in equity; may have and keep a common seal, and the same break, alter or amend at pleasure, and in short, shall possess power to do all acts incident to bodies corporate; and may purchase, hold and dispose of, for the benefit of said Town, property, real, personal or mixed, to the amount of five thousand dollars. Limits.

Sec. 2. *And be it further enacted,* That on the second Monday of February next, or within thirty days thereafter, (of which election there shall be at least five days' previous notice given, Election. by one or more public notices posted within the aforementioned limits,) an election shall be held for four Councillors, one Intendant and one Town Constable, who shall serve for one year, and until their successors are elected and qualified; and the said election shall be conducted by S. J. Harris, R. G. Cooke, Anson Springfield, Thomas W. Price, J. D. Catlin and James T. Tyrrell, any two of whom shall have power to act, and shall give certificates of election to the five persons who shall have received the highest number of votes: *Provided,* said managers, before they hold said election, shall take an oath before a Justice of the Peace, to conduct the same according to law.

Sec. 3. *And be it further enacted,* That all subsequent elections for Councillors, in said Town, shall be conducted by any two Councilmen, to be appointed by the Board for that purpose, on the second Monday in February of each year; and if from any cause said election shall not take place on the appointed day, then the Board may appoint some other day, not exceeding thirty days from the said second Monday of February, for holding said election. And all free white males, twenty-one years of age, who have been for thirty days, next preceding the election, residents of said Town, or any person who may be a freeholder in said Town, shall be entitled to vote: *Provided,* at least five days' notice of said election shall be given, by public notice posted within the limits of said incorporation. Future Election.

Qualification
of office.

Sec. 4. *And be it further enacted*, That within five days after said election is holden, the Councillors, Intendant and Constable elected, shall convene in a suitable place in said Town, and take and subscribe an oath before a Justice of the Peace, or some person authorized to administer the same, faithfully to discharge the duties to them committed, without favor, affection or partiality, and to support the Constitution of the United States and of the State of Alabama; a certificate of which oath shall be filed with the Clerk of the Board of Council; and in the absence or incapacity of the Intendant, any member may be called to the Chair. The Intendant shall approve all Ordinances that may be passed by the Board, and shall be, *ex-officio*, Justice of the Peace, for all purposes connected with said corporation, and the enforcement of its laws, and shall be entitled to receive for his services, in enforcing the laws of the incorporation, the same fees as are allowed to Justices of the Peace in Marengo County.

Powers of
board.

Sec. 5. *And be it further enacted*, That said Board of Intendant and Councillors, or a majority of them, shall have power to pass By-Laws and Ordinances for the government of said Town, not inconsistent with the Constitution and Laws of this State, to appoint a Clerk, a Treasurer, and such other officers for said Town, as they may deem proper for the good government of the same; and said Board shall prescribe the duties and fix the compensation of said officers, and the same remove at pleasure, for neglect of duty, or mal-practice in office, and said Board may require such bonds from their several officers as they may deem proper to insure the faithful performance of their respective duties.

Jurisdiction.

Sec. 6. *And be it further enacted*, That said Board shall have exclusive control over the public streets and alleys, public wells and springs, and all public works belonging to said corporation—shall have power to enact and enforce Patrol Laws, quell riots and disturbances, suppress indecent and disorderly conduct, prevent and remove nuisances, punish offenders against the By-Laws, and pass and enforce all Ordinances that may tend to promote the peace and harmony, good order, health and well-being of the citizens of said incorporation: *Provided*, that no fine, in any one case, shall exceed one hundred dollars: *And provided further*, That where any street shall be opened, widened or straightened, by order of the Board of Intendant and Council, (who are hereby vested with power so to do,) the same, if private property, shall be paid for by the said incorporation, the value to be fixed by three disinterested persons—one to be chosen by the Town Council, one by the party interested, and one by the two referees first chosen.

Sec. 7. *And be it further enacted*, That the said Board, or
May levy tax. a majority of them, shall have full power to levy such tax upon the citizens living, or holding property within the limits of said

incorporation, as may be necessary, not exceeding the following rates, to wit: On real estate, not exceeding the half of one per cent.; a poll tax on voters not exceeding fifty cents; on slaves over ten years, and not over fifty, not exceeding one dollar, on other slaves, not exceeding twenty-five cents; on every vender of goods, wares and merchandise, not exceeding ten dollars per annum; on all goods, &c., sold at auction, not exceeding one half per cent.; on all retailers of spirituous liquors, not exceeding five hundred dollars; on each show, museum, circus, &c., not exceeding fifty dollars; on all other property subject to a State or County tax, not exceeding one per cent. *ad valorem*, on all itinerant merchants, hawkers and peddlers, not exceeding fifty dollars; on all billiard tables, and other games of chance, not exceeding five hundred dollars.

Rate of Tax.

Sec. 8. *And be it further enacted*, That the citizens of said Town shall not be required to perform patrol duty, except in the limits of said Town, and shall not be compelled to work upon, or open roads beyond the limits of said incorporation.

Exemption.

Sec. 9. *And be it further enacted*, That the officers of said corporation shall keep a record of their proceedings, and no By-Law shall be in force, until it has been posted in some conspicuous place within said corporation, for at least ten consecutive days: *Provided*, That nothing in this act contained, shall be so construed as to authorize the levying a tax on the Dayton Male Academy, or on the Dayton Female Academy.

Record to be kept.

Approved, January 13, 1844.

[No. 114.]

AN ACT

To compensate the Commissioners of Roads and Revenue of Pike County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, the officers composing the Court of Roads and Revenue in the County of Pike, shall each receive the sum of two dollars for each day: *Provided*, The said Court shall in no case continue more than two days, they may be required to attend said Commissioners' Court, to be paid out of the County Treasury, on the certificate of the Clerk of the County Court, stating the number of days said officers have actually served; and it shall be the duty of the County Treasurer of said County to pay the amount so certified to, out of any moneys in the Treasury not otherwise appropriated.

Compensation.

Sec. 2. *And be it further enacted*, That if any one of said Commissioners shall hereafter refuse or neglect to attend any

Penalty for
non-atten-
danc.

Commissioners' Court appointed by law in said County, not having a sufficient excuse therefor, to be adjudged by a majority of said Court, to hear and determine at their succeeding Court after such default, shall severally pay a fine of five dollars into the County Treasury for County purposes; and it shall be the duty of the said Court to enter judgment, and issue execution for all fines which may be incurred under this act.

Sec. 3. *And be it further enacted*, That all laws contravening the provisions of this act, be, and the same are hereby repealed.

Approved, January 16, 1844.

[No. 115.]

AN ACT

In relation to the rescission of certain contracts of purchase of a part of Sixteenth Section in the County of Wilcox.

Contract may
be rescinded.

Proviso.

Proviso.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the assent of two-thirds of all the qualified voters of said Township being first had and obtained, together with the assent of the makers of the notes given for the purchase money thereof, or their legal representatives, the Commissioners of said Township be, and they are hereby authorized, to rescind the contract of sale of that portion of the aforesaid Sixteenth Section, heretofore made to one Archibald K. Smith, now deceased, and Alexander McLeod, of said County: *Provided*, The legal representatives of the said Archibald K. Smith, late of said County, deceased, and the said Alexander McLeod, assent to the same: *And provided further*, That the said Commissioners shall have and obtain the consent of the two-thirds of all the qualified voters aforesaid, before they proceed to rescind said contract; and the State Bank at Tuscaloosa is hereby authorized and required to deliver up to the legal representatives of said Smith and the said McLeod, the notes given for the purchase money of said portion of said Sixteenth Section, upon the presentation of the certificate of said Commissioners, properly authenticated, setting forth that two-thirds of all the qualified voters of said Township have assented to the rescission of the contract above stated, and that the legal representatives of the said Smith and the said McLeod have agreed thereto, and that they have surrendered said lands to the said Commissioners; and the said Bank is hereby authorized and required to refund to the said McLeod all the money he has paid on said purchase, except the interest thereon.

Sec. 2. *And be it further enacted*, That Joseph Rivers, Henry C. Braden and James Compton, purchasers of parts of the Sixteenth Section in Township eleven, in Range eleven, in Wilcox County, be, and they, or either of them, are hereby authorized to rescind their contracts for the same, upon obtaining the consent, in writing, of a majority of the qualified voters in said Township, and upon a rescission of said contract or contracts, as aforesaid, the said purchaser or purchasers shall be entitled to receive their notes given for said lands, from the Bank or person where the same may be deposited, by presenting a certificate from the Commissioners, that said contract has been rescinded in pursuance of this act; and upon the rescission as aforesaid, the said lands shall reinvest in the inhabitants of said Township, in the same manner as though the same had never been sold.

Extended to
J. Rivers.

Approved, January 16, 1844.

[No. 116.]

AN ACT

To establish a Medical Board in Eufaula, in the County of Barbour.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That in addition to the Medical Boards now established by law, there be one established in the town of Eufaula, in the County of Barbour, to consist of five members, to be elected by the resident physicians of said County, who are graduates of Medical Colleges in the United States, and who produce their diplomas as evidence of the same; and after being duly organized, shall meet annually, for the purpose of examining all applicants for a license to practice medicine: and said Board, when elected, shall be governed by the same rules, laws and regulations, in every respect whatever, as are now prescribed for the government of other Medical Boards of this State; hereby giving said Board the power of filling any vacancies that may happen by death, resignation or otherwise.

Medical
Board estab-
lished.

How elected.

Meetings.

Vacancies.

Sec. 2. *And be it further enacted*, That the election for members to compose the Medical Board, as contemplated by the first section, shall be held in the Town of Clayton, giving thirty days' notice of the time and place, by posting the same at Eufaula, Glennville, Spring Hill, Midway, Clayton, Louisville and Fullersville.

Elections
where and
how held.

Approved, 16th January, 1844.

[No. 117.]

AN ACT

In relation to the Sixteenth Section Fund in the County of Bibb.

Manner of
sending to
School.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, it shall be lawful in the County of Bibb, for any person to send to school in an adjoining Township, where it is more convenient; and such person or persons sending their children or wards to school out of the Township in which they may reside, may nevertheless draw their ratable proportion of the funds of the Township in which they live, and the Commissioners of the Sixteenth Section in said County, are hereby required to pay the same: such persons are, however, required to furnish the certificate of the teacher to whom they send, or satisfactory evidence to the Commissioners of their own Township; which certificate or evidence shall specify the time taught and the amount due.

Repeal.

Sec. 2. *And be it further enacted,* That all laws, and parts of laws, contravening the provisions of this act, be, and the same are hereby repealed.

Approved, January 16, 1844.

[No. 118.]

AN ACT

To amend An Act, for the final settlement of the affairs of the Planters' and Merchants' Bank of Mobile.

Number of
Commission-
ers reduced.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the number of Commissioners required by said act to be appointed, shall be reduced to three, one of whom shall be appointed by the Governor, and the other two by the stockholders. The said Commissioners shall be governed, in all respects, by the said act, and shall hold their appointments for the term of one year, and until their successors are duly qualified. The appointments heretofore made, shall expire on the fifteenth of February next, and any vacancy by death, resignation, or continued absence, may be filled in the same manner as provided in the first section of this act.

Compensa-
tion.

Proviso.

Sec. 2. *And be it further enacted,* That the said Commissioners shall receive for compensation, such amount as shall be fixed by vote of the stockholders: *Provided, however,* That of the one appointed by the Governor, shall not be less than five hundred dollars per annum, to be paid out of the funds of the said Bank.

Sec. 3. *And be it further enacted*, That the office of Commissioner shall become vacant, by the continued absence from the meetings of the Commissioners, for more than thirty days; and a new appointment shall be made, on the certificate of the other Commissioners or Commissioner, of the fact of such absence. Vacancies how filled.

Sec. 4. *And be it further enacted*, That the time for selling the real estate of said Bank, may be extended to the first day of April, eighteen hundred and forty-five; but the stockholders may direct an earlier sale, if they shall so order and determine. Time for selling Real Estate extended.

Approved, January 16, 1844.

[No. 119.]

AN ACT

To regulate the proceedings in Justices' Courts, in the County of Randolph.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the first day of March next, it shall not be lawful for any defendant to be sued out of the District or Beat in which she or they may reside, except in cases where the Justice of the Peace be a party defendant, then he shall be sued in the nearest adjoining District or Beat to his residence. Suits where brought.

Sec. 2. *And be it further enacted*, That the Bailiffs for the different Beats shall be confined to their respective Beats, only in cases where there is no Bailiff in a Beat; then, and in that case, the Bailiff in an adjoining Beat may act; and it shall be lawful for the Bailiff to copy the summons to him directed, to be served on a defendant, and give it to the defendant personally, or leave it at his most notorious place of abode, and make an entry of service on the back of the original summons, which shall be deemed legal service. Restrictions on bailiffs.

Sec. 3. *And be it further enacted*, That upon the return of any execution by a Bailiff, as now required by law, the Justice of the Peace to whom the same shall be returned, shall note said return upon his docket, and it shall be lawful for the Justice to issue the same execution, whenever called for by the plaintiff, his agent or attorney, without being required to write out a new one; and said Justice shall receive pay in the way of costs, but for one execution. Of Execution

Sec. 4. *And be it further enacted*, That the foregoing act shall be alone in force in the County of Randolph; and that all laws, and parts of laws, contravening the provisions of the same, are hereby repealed.

Approved, January 13, 1844.

[No. 120.]

AN ACT

To authorize Jacob C. Jordan to remove the property of his infant daughter, from the County of Marengo, in this State, to the State of Kentucky.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, Jacob C. Jordan shall be authorized to remove the property of his infant daughter, Josephine Margaret Jordan, from the county of Marengo, in this State, to the State of Kentucky, on his producing satisfactory proof to the Judge of the County Court of Marengo county, by certificates according to the acts of Congress, in such cases, that he has given bond and security in the county of the residence of his said infant daughter, in the State of Kentucky, in double the amount of the value of the property as her guardian; then, he, the said Jacob C. Jordan, as guardian, may demand, receive or sue for, and remove any such property, to the place of the residence of himself and ward, any law to the contrary notwithstanding.

Approved, 15th January, 1844.

[No. 121.]

AN ACT

- To authorize Robert McKee, administrator of William B. McKee, late of Greene county, to dispose of the goods, wares, and merchandise, of his intestate, at private sale, or otherwise.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Robert McKee, administrator of all and singular, the goods and chattels, rights and credits, which were of William B. McKee, late of Greene county, deceased, be, and he is hereby authorized and empowered to dispose of the goods, wares, and merchandise of his intestate, at private sale, either at wholesale or retail, and as in his discretion he may consider most to the interest of the estate of his intestate, or at his discretion, at public auction.

Sec. 2. *And be it further enacted,* That it shall be the duty of said Robert McKee, to keep a true and correct account of the sales of all goods, wares, and merchandise, sold by him under the provisions of the first section of this act; and that he render in the said account to the Orphans' Court upon a final settlement of said estate.

Approved, 17th January, 1844.

Power granted to remove property.

Administrator authorized to dispose of estate, &c.

To render account.

[No. 122.]

AN ACT

To authorize the Judge of the County Court and Commissioners of Roads and Revenue of Randolph county, to levy a Special Tax.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Judge of the County Court, and Commissioners of Roads and Revenue for the county of Randolph, be, ^{Authorized to levy tax.} and they are hereby authorized, to levy and collect, on the persons and property of said county, such tax as may be necessary for the purpose of paying the debts of said county; so that said levy shall not exceed, in any one year, one hundred per cent. on the State tax of the year eighteen hundred and forty-three.

Approved, 16th January, 1844.

[No. 123.]

AN ACT

To legalize a sale of Lots in the Town of Columbia, in Henry County, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That a sale of lots in the town of Columbia, in Henry county, heretofore made by order of the Judge of the County Court, and Commissioners of Roads and Revenue, be, ^{Sales of lots made legal.} and the same is hereby made valid, to all intents and purposes.

Sec. 2. *And be it further enacted,* That all laws or parts of laws, contravening the provisions of this act, be, and the same are hereby repealed.

Approved, 13th January, 1844.

[No. 124.]

AN ACT

To change the time of holding the County Court of Pike County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the first Monday in March next, the summer term of the County Court of Pike county, shall be holden ^{Summer term when held.} on the first Monday in June, in each and every year; and that

Winter term. the winter term of said County Court, shall be holden on the first Monday in December, in each and every year.

Repeal.

Sec. 2. *And be it further enacted*, That all laws and parts of laws, contravening the provisions of this act, be, and the same are hereby repealed.

Approved, 16th January, 1844.

[No. 125.]

AN ACT

To amend the Charter of the Town of Gainesville, in the County of Sumter.

Eligibility of votes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That no person shall be entitled to vote in the election of town officers in said town, unless he shall have paid all sums due from him to said town, for taxes, before that time imposed, or for street service, or for any penalty incurred.

Restriction of power.

Sec. 2. *And be it further enacted*, That the Intendant and Council of said town, shall not hereafter have power to assess a tax upon property in said town, of more than twenty five-cents on the hundred dollars of its appraised value.

Further restriction.

Sec. 3. *And be it further enacted*, That no person shall be entitled to demand or receive any sum for his services, as Intendant or Councilman of said town; nor shall it be lawful for the Intendant or any member of the Council, to hold an election and decide upon the rejection or reception of votes, who is himself a candidate for re election to such office.

Approved, 16th January, 1844.

[No. 126.]

AN ACT

To fix permanently the Court House of Covington County.

Commissioners authorized to erect Court House.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the selection made by the Court House Commissioners of the county of Covington, under an act passed at the last session, entitled, "An act to amend an act entitled an act to ascertain and fix a suitable site for the permanent location of the Court House in Covington county, and for other purposes," be, and the same is hereby made and established as the permanent location of the Court House of said county of Covington; and

the said Commissioners are hereby authorized to proceed to the erection of a Court House, in the manner as provided for in the second section of this act.

Approved, 16th January, 1844.

[No. 127.]

AN ACT

To change the time of holding the Fall Term of the Circuit Court of Pike County, for the year one thousand eight hundred and forty-four.

Section. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Fall term of the Circuit Court for the county of Pike, to be holden for said county, for the year one thousand eight hundred and forty-four, shall commence on the second Monday in September of the said year, instead of the third Monday of the said month, as is now required by law, and continue in session for the said term, two weeks; and that all process now issued, or that may hereafter be issued, and made returnable to the third Monday of September, one thousand eight hundred and forty-four, shall be, and the same is hereby made returnable to the term of the Circuit Court, as herein provided for: *When held.* *Provided,* That this act shall not be so construed as to be applicable to any term of the said court, but the one herein specified. *Proviso.*

Approved, 15th January, 1844.

[No. 128.]

AN ACT

To require the Clerks of certain Counties therein named, to make out and keep a reversed Index to the several books of their office.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it shall be the duty of the clerks of the Circuit and County Courts of Sumter, Benton, Lawrence, Franklin, Montgomery, Clarke, Talladega, Randolph, and Barbour, to make out and keep a reversed Index to all the record books in their respective offices; and the Commissioners' Court of said counties are hereby authorized to make suitable allowance of compensation to said clerks for such services, out of their respective county treasuries. *Sumter, Benton, Lawrence, Franklin, Montgomery, Talladega, Randolph & Barbour.*

Approved, 15th January, 1844.

[No. 129.]

AN ACT

To secure the Records of the Orphans' Court of Dale County.

Clerk's duty. Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it shall be the duty of the clerk of the County Court of Dale county, to transcribe (in a well bound book, to be by him procured and kept for that purpose) all the matters contained in the records of the Orphans' Court of Dale county, and that he be allowed for said services, such compensation as the Judge of the County Court and Commissioners of roads and revenue, may allow.

Approved, 15th January, 1844.

[No. 130.]

AN ACT

For the relief of Joseph Guynes, and others.

J. Guynes. Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That His Excellency, the Governor of the State of Alabama, is hereby invested with full power and authority, to remit a fine of two hundred dollars, imposed upon one Joseph Guynes, of Washington county, for peddling in said county ; or so much thereof as he may deem proper, when sufficient evidence shall have been adduced, to satisfy him that the same is not incompatible with the public interest, any law to the contrary notwithstanding.

Allen and Wells. Sec. 2. *And be it further enacted,* That His Excellency, the Governor, be, and he is hereby authorized, to remit a fine of fifty dollars, imposed on Joseph Allen and George W. Wells, by the Circuit Court of Cherokee County, at October term, one thousand eight hundred and forty-three.

Approved, 17th January, 1844.

[No. 131.]

AN ACT

To change the time of holding the Commissioners' Court, in the Counties of Cherokee and Madison.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and immediately after the passage of this

act, the Commissioners' Court of roads and revenue, for the county of Cherokee, shall be hereafter held on the second Monday in February, in each and every year, instead of the first.

Cherokee

Sec. 2. *And be it further enacted*, That hereafter, the Commissioners' Court of roads and revenue, for the county of Madison, shall hold its sessions on the third Mondays in January, April, July, and October, in every year, in lieu of the time now appointed by law for holding the same.

Madison

Approved, 16th January, 1844.

[No. 132.]

AN ACT

Concerning the administration of the Estate of William S. Chapman, deceased.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That it shall be lawful for Robert H. Chapman, administrator, and Coziah A. Chapman, administratrix of William H. Chapman, deceased, to remove their administration of said estate from the county of Sumter, where they were appointed, to the county of Talladega.

Administration may be removed.

Sec. 2. *And be it further enacted*, That before removing said administration, the said Robert H., and Coziah A., shall submit to the Orphans' Court of Talladega, an application for this purpose; and thereupon, the said Orphans' Court shall proceed in the same way, and make such orders, acts, accompaniments, inventories, and final bond, as are usual and required by law in the appointment of administrators in chief.

Duty of administrators before removing.

Sec. 3. *And be it further enacted*, That after the said administrator and administratrix shall have complied with all the above provisions, and all lawful orders which shall be made by said Orphans' Court, in relation to said administration, that the said administrator and administratrix shall be authorized to remove their said administration, as above provided.

May remove.

Sec. 4. *And be it further enacted*, That the Judge of the Orphans' Court of Sumter county, upon the production to him of the certificate of the Judge of the Orphans' Court of Talladega, certified under seal by the clerk of said court, that the said administrator and administratrix have complied with the second and third sections of this act, shall be, and he hereby is authorized to enter upon the minutes of his said court, that the said administration is removed to the said county of Talladega:

Duty of Judge of Sumter county.

Proviso.

Provided, That nothing herein contained, shall exempt the said Robert H. and Coziah A., from liability upon their bond or bonds in said Orphans' Court of Sumter county, until they shall have complied with the provisions of the fifth section of this act.

Duty of administrator.

Sec. 5. *And be it further enacted*, That within one year after the passage of this act, it shall be the duty of the said administrator and administratrix, to present to the Orphans' Court of Talladega, all their accounts and vouchers, both for and against the said estate, have them audited, and make a full and perfect estimate and settlement up to that time; it shall then be the duty of the said administrator and administratrix, to give bond of the assets of said estate in their hands unadministered, payable, and to be approved as in other cases of administration, if in the opinion of said Orphans' Court it shall be necessary, for the security of said assets; and for the purposes of this section, the said administrator and administratrix, shall produce to the Orphans' Court of Talladega, certified copies of all vouchers, papers and orders of file in said Orphans' Court of Sumter, touching the said administration.

Duty of the Court.

Sec. 6. *And be it further enacted*, That after the said administrator and administratrix shall have complied with the foregoing sections of this act, then, and in that event, the said Orphans' Court of Sumter county, shall enter upon its minutes a full and entire acquittance and discharge of said administrator and administratrix, from all liability in said court, by means of said administration; and neither they nor their securities shall hereafter be held accountable upon any bonds, or in any other way, in said court; but the said administration shall continue and be conducted in said Orphans' Court of Talladega county, in all respects as other administrations in chief.

Provisions of an act extended.

Sec. 7. *And be it further enacted*, That all the provisions of "An Act to authorize Alexander White, administrator, and Sarah White, administratrix, of John White, deceased, to dispose of so much of the real estate of which John White died seized, as shall be sufficient to discharge the debts of the said estate, approved, February fourteenth, eighteen hundred and forty-three," are hereby made applicable to the said estate of the said Wm. S. Chapman; and the said Robert H. and Cosiah A. Chapman, are hereby vested with all powers and discretion in relation to the real estate of said William S. Chapman, that are therein and thereby conferred upon Alexander and Sarah White, in reference to the estate of John White, deceased, to be exercised with the same restraints; and all laws contravening the provisions of this act, are repealed.

Approved, 16th January, 1844.

[No. 133.]

AN ACT

To divorce Elizabeth Holloway from her husband, Washington Holloway.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That in pursuance of a decree of the Chancery Court, sitting in Marion, Perry county, in and for the twentieth Chancery district of the State of Alabama, at the Fall term thereof, Anno Domini, one thousand eight hundred and forty three, the bonds of matrimony heretofore solemnized and subsisting between Elizabeth Holloway and her husband, Washington Holloway, be, and the same are hereby dissolved and annulled; and that the said Elizabeth Holloway be, and she is hereby divorced from her said husband, Washington Holloway.

Approved, 16th January, 1844.

[No. 134.]

AN ACT

Concerning the payment of fines and forfeitures in the County of Cherokee.

Section. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, it shall be the duty of the clerks of the Circuit and County Courts of Cherokee county, and the sheriff of said county, to receive in payment of fines and forfeitures in either of the courts aforesaid, all claims of every nature whatsoever, that may be properly chargeable to, and payable out of the county treasury of said county: *Provided,* The same shall be registered by the treasurer of said county, agreeable to law, any law or usage to the contrary notwithstanding.

Duty of clerks
and sheriff,

Approved, 17th January, 1844.

[No. 135.]

AN ACT

Mora particularly to define the County Line between Henry and Barbour Counties.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the township line between the eighth and

County line
defined.

ninth township, shall be known as the county line between Henry and Barbour counties, until said township line strikes a branch running between Willis L. Crow's, and Henry R. Scott's, both of Henry county, said branch known as Scott's spring branch; then down the various courses of said branch, to the Chattahooche river.

Approved, 17th January, 1844.

[No. 136.]

AN ACT

For the relief of Harvey W. Read, of Lawrence County.

H W Read

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened.* That Harvey W. Read, of the county of Lawrence, is entitled to the sum of thirty-eight dollars and forty cents, for keeping State prisoners.

Sec. 2. *And be it further enacted,* That the Comptroller of Public Accounts, be, and he is hereby authorized, to draw his warrant on the State Treasurer in favor of said Read, for said sum of money, to be paid out of any moneys not otherwise appropriated.

Approved, 17th January, 1844.

[No. 137.]

AN ACT

To authorize the Commissioners' Court of Roads and Revenue, of the Counties of Montgomery, Bibb, and Chambers, to levy a Tax of fifty per cent. on the State Tax authorized for the year one thousand eight hundred and forty-four.

Commission-
ers may levy
tax.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Commissioners' Courts of Roads and Revenue of the counties of Montgomery, Bibb, and Chambers, be, and they are hereby authorized to levy a tax on the State tax authorized by law for the year one thousand eight hundred and forty-four, of fifty per cent. if they may deem such an amount necessary to defray the proper expenses, and debts now due by said county.

Sec. 2. *And be it further enacted,* That all laws and parts of laws conflicting with the foregoing section, be, and are hereby repealed.

Approved, 16th January, 1844.

[No. 138.]

AN ACT

For the relief of Richard Locke.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, Richard Locke, be, Rich'd Locke declared a and he is hereby declared a liner, between the counties of Montgomery and Pike; and shall hereafter be considered as a citizen of the county of Pike, so long as he remains at his present residence; and shall be subject to all laws in relation to a citizen of Pike county, in the same manner as if he resided in said county. liner.

Approved, 16th January, 1844.

[No. 139.]

AN ACT

To divorce Emily Susan Snipes from her husband, Jeremiah Snipes.

Section. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That in pursuance of the decree of the Chancery Court held at La Fayette, for the fifteenth Chancery district, rendered at the May term of said court, one thousand eight hundred and forty-three, the bonds of matrimony heretofore subsisting between Emily Susan Snipes and her husband, Jeremiah Snipes, be, and the same are hereby dissolved and annulled; and that the said Emily Susan Snipes is hereby divorced from her said husband, Jeremiah Snipes. Snipes from Snipes.

Approved, 16th January, 1844.

[No. 140.]

AN ACT

To provide for the better maintenance of the poor in Dallas County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Court of Commissioners of Roads and Revenue in Dallas county, shall have the power, whenever it shall appear to them, that the paupers of said county can be thereby supported at less expense, and the finances of said county are sufficient therefor, to establish a Poor House at some convenient location Powers of Court of Roads and Revenue.

in said county, and to support therein all such paupers as may become a lawful charge upon said county, under such rules and regulations as to the internal police thereof, and the removal of paupers thereto, as said Court shall, from time to time prescribe, not inconsistent with the laws of this State.

Shall visit
Poor house
quarterly.

Sec. 2. *And be it further enacted*, That it shall be the duty of some member of said Court, at least once in every three months, to visit said Poor House, and inspect the same, and to report to the said Court at the first term thereafter, the condition of the inmates of said Poor House, the manner of their employment, &c., together with the expense thereof.

May pur-
chase land,
&c.

Sec. 3. *And be it further enacted*, That said Commissioners Court for the purpose of carrying this act into effect, shall have power to purchase and hold real estate, in the name of the Judge of the County Court of said county, and his successors in office, not exceeding eighty acres, and to erect suitable buildings thereon: *Provided*, Nothing in this act shall be so construed as to authorize any additional tax to be levied in said county for that purpose.

Restriction.

Approved, 16th January, 1844.

[No. 141.]

AN ACT

To authorize Nelson H. White, and Richard Burruss, to turnpike a certain Road therein named, and for other purposes.

May turnpike
a road,
where, &c.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Nelson H. White, and Richard Burruss, be, and they are hereby authorized to Turnpike the Military Road, commencing at the foot of the mountain South of Tusculumbia, at or near the four-mile post on said Road, in Franklin county, thence along said road to Russelville; that said road shall be opened thirty feet wide, fifteen of which shall be cleared of stumps and trees, cut down level with the ground, and all grubs and roots removed; the sloping ground and banks of creeks to be cut down and leveled, so as to be safe and easy for the passage of horsemen, carriages, &c., and all marshes, swamps and creeks to be causeyed or bridged, with ditches on each side of the causey when necessary; and that all parts of said road where the ground is soft and impassable in wet weather, shall be well causeyed or McAdamized.

Commission-
ers to exam-
ine road. &c.

Sec. 2. *And be it further enacted*, That Elijah McCulloch, William S. Jones, and Francis Gholson, of Franklin county, be, and they are hereby appointed Commissioners to review

year, if they should deem it necessary, and report the condition of said road, to the Judge of the county court of Franklin county; and so soon as the said Nelson H. White and Richard Burruss put said road in such repair, as they shall think complies with the requisitions of this act, they are hereby authorized to call on the said Commissioners, whose duty it shall be to review the situation of said road, and report the same to the Judge of the county court; and if said Commissioners shall recommend the erection of a gate, the Judge shall cause an order to be made authorizing the same, and the Clerk of the said county court shall, on demand, deliver to the said Nelson H. White and Richard Burruss, a copy of said order, which shall be authority for them to erect a gate on said road, between the foot of the mountain and the Town of Russelville, at such place as they may choose for that purpose, and receive from persons passing the same, the following toll, to wit: For each wagon and team loaded, fifty cents; for each empty wagon, twenty-five cents; for each loaded cart, twenty-five cents; for each empty cart, twelve and half cents; for each four wheeled pleasure carriage, or dearborne, twenty-five cents; for man and horse, twelve and a half cents; for each led or loose horse, three cents; for each head of cattle, two cents; for each head of hogs, sheep, or goats, one cent: *Provided*, Nothing herein contained shall authorize the said Nelson H. White and Richard Burruss, to demand toll of the carrier of the United States mail, or from persons bearing expresses to or from officers of the United States, or citizen or citizens of the county of Franklin.

When gate
may be erect-
ed.

Rates of toll.

Sec. 3. *And be it further enacted*, That whenever the Judge of the county court of Franklin county, shall be informed in direct terms, by any one of said Commissioners, or by any other person on oath, subscribed by the party giving such information, that said road, or any part thereof, is out of repair, said Judge shall forthwith notify the said Nelson H. White and Richard Burruss of that fact, and require them without delay, to repair the same; and on their failing so to do, within a reasonable time, said Judge shall order a review of said road by said Commissioners, and should said Commissioners find such breach actually to exist, they shall open the gate, and report accordingly to said Judge; and said Commissioners shall receive two dollars per day while engaged in said service, to be paid by the said Nelson H. White and Richard Burruss, on the production of the order of said Judge to be made to that effect; and should the said Nelson H. White and Richard Burruss, by themselves, or their agent, receive any toll before the road shall have been repaired and received by the Judge of the county court aforesaid, as directed by the third section of this act, they shall forfeit and pay five dollars for every such offence, to

Duty of Judge
of Franklin
county, upon
information.

Proviso.

any person who will sue for the same: *Provided*, That on complaint of any person, other than one of said Commissioners, if the report of the said Commissioners shall be that said road was in repair, said Judge shall on the return of said report, give judgment in favor of said Commissioners, against said informant, for the amount of the Commissioners' fees, for making such review, and issue a proper process for the collection of the same.

Road shall be completed in three years.

Sec. 4. *And be it further enacted*, That said road shall be put in repair as required by this act, within three years from the passage thereof, otherwise all the privileges granted by this act, shall be forfeited; and should the said Nelson H. White and Richard Burruss, for six months at any one time, refuse to repair said road, after the gate shall have been opened by said Commissioners, under the direction of the court, in pursuance of the provisions of this act, all the rights and privileges herein granted, shall be forfeited.

Privileges for twenty years.

Sec. 5. *And be it further enacted*, That the said Nelson H. White and Richard Burruss, shall be entitled to all the privileges and immunities hereby granted, for and during the term of twenty years, from the passage of this act.

Penalty for evading payment of toll.

Sec. 6. *And be it further enacted*, That if any person shall attempt to evade the payment of any toll allowed by this act, by passing through the gate unauthorized by said act to be set up arbitrarily, or having passed, refuse or neglect to pay the toll allowed in said act, or pass around the said gate, such person or persons so offending, shall pay the said Nelson H. White and Richard Burruss, or their agent, the sum of five dollars for every such offence, recoverable before any Justice of the Peace in this State.

Penalty for damages on road.

Sec. 7. *And be it further enacted*, That any person or persons who shall, in any manner whatever, impair or obstruct the said road, either before or after its completion, such person or persons, on conviction before any Justice of the Peace, or court having jurisdiction of the same, shall pay to the said Nelson H. White and Richard Burruss, or their agent, such sum of money as may be full and ample compensation for the damages done said road, with cost of suit.

Prohibition.

Sec. 8. *And be it further enacted*, That nothing in this act shall be so construed as to authorize said Nelson H. White and Richard Burruss to exercise banking privileges, or to issue change tickets, to be circulated as money.

Explanatory.

Sec. 9. *And be it further enacted*, That this act shall not be so construed as to prevent or hinder any person or persons, from travelling any road or roads, now in existence.

Approved, 16th January, 1844.

[No. 142.]

AN ACT

To alter the time of holding the Circuit Courts of the Sixth Judicial Circuit, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, the Circuit Courts in the Sixth Judicial Circuit shall commence and be holden for the Spring term,

In the County of Monroe, on the third Monday in March, in each and every year, and continue two weeks: Monroe

In the County of Clarke, on the first Monday after the fourth Monday of March, and continue in session one week. Clarke

In the County of Washington, on the second Monday after the fourth Monday in March, and continue in session one week. Washington

In the County of Baldwin, on the third Monday after the fourth Monday of March, and continue in session one week. Baldwin

In the County of Mobile, on the fourth Monday after the fourth Monday of March, and continue in session until the business is disposed of. Mobile

The fall term shall commence and be holden as follows: Fall Term

In the County of Washington, on the third Monday of October, in each and every year, and continue in session one week. Washington

In the County of Clarke, on the fourth Monday of October, and continue in session one week. Clarke

In the County of Monroe, on the first Monday after the fourth Monday of October, and continue in session two weeks. Monroe

In the County of Baldwin, on the third Monday after the fourth Monday of October, and continue in session one week. Baldwin

In the County of Mobile, on the fourth Monday after the fourth Monday of October, and continue in session until the business of the session is disposed of. Mobile

Sec. 2. *And be it further enacted,* That all process made returnable to the several terms of the aforesaid Courts, shall be, and the same are hereby returnable to the respective terms of the said Circuit Courts, hereinbefore mentioned. Process legalized

Sec. 3. *And be it further enacted,* That the eighteenth section of the act in Clay's Digest, the same being the fifteenth section of the act passed in the year one thousand eight hundred and forty, regulating the Circuit Courts of this State, which exempts the Judge of the Sixth Circuit from alternating annually, be, and the same is hereby repealed. Repeal.

Sec. 4. *And be it further enacted,* That all laws and parts of laws contravening the provisions of this act, be, and the same is hereby repealed. Repeal.

Approved, 15th January, 1844.

[No. 143.]

AN ACT

To authorize the election of a Justice of the Peace in the Town of Warrenton.

Town Jus-
tice may be
elected.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it shall be lawful for the qualified electors residing, or who hereafter may be resident within the corporate limits of the Town of Warrenton, in Dallas county, at the next general election for Justices of the Peace, and as often thereafter as a vacancy may occur, to elect a Justice of the Peace, who shall hold his office for the same term, and have the same power and authority, and perform the same duties, and be subject to the same laws, regulations and penalties, as other Justices of this State.

Jurisdiction.

Sec. 2. *And be it further enacted,* That said Justice shall have jurisdiction in the same manner and to the same extent, as other Justices of the same beat, and shall also give bond as is now required by law.

Approved, 17th January, 1844.

[No. 144.]

AN ACT

To alter and amend the Patrol Law now in force in certain Counties therein named.

When patrol's
may be or-
ganized.

Proviso.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter the Justices of the Peace, in their respective beats in the counties of Randolph, Tuscaloosa, and Butler, be, and they are hereby authorized and empowered to organize and order out patrol detachments, only when in their opinion, the same may be necessary, or when required so to do by any resident citizen of their respective beat, and no other patrol duty shall be required by law in said counties, any law to the contrary notwithstanding: *Provided,* The said Justices shall, in no instance, order the performance of more patrol duty than is now required by law.

Repeal.

Sec. 2. *And be it further enacted,* That the third and sixth sections of an act, approved the first day of January, one thousand eight hundred and thirty-six, entitled an act to regulate patrol detachments, and enforce the performance of patrol duty in this State, be, and the same are hereby repealed so far as relates to the counties of Randolph, Tuscaloosa, and Butler.

Sec. 3. *And be it further enacted*, That all persons over the age of forty-five years, be, and they are hereby exempt ^{Who liable to} from the performance of patrol duty in said counties of Randolph, Tuscaloosa, and Butler, any law or usage to the contrary notwithstanding. ^{patrol duty.}

Sec. 4. *And be it further enacted*, That the provisions of this act shall extend to the counties of Marshall, Fayette, Covington, Pickens, Bibb, Washington, Sumter, Lowndes, Walker, ^{Provisions extended.} Henry, Pike, Marion, and Coosa.

Approved 15th January, 1844.

[No. 145.]

AN ACT

To explain An Act passed thirteenth February, one thousand eight hundred and forty three, declaring Chattooga River a public highway, &c.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That nothing in the first and second sections of said act shall be so construed as to disturb the private property of ^{Explanatory.} any person or persons whatever, in holding, owning, and preparing any fish trap, or dam, or to place in new ones, or any machinery whatever on their own land, any law to contrary notwithstanding.

Approved, 16th January, 1844.

[No. 146.]

AN ACT

To divorce Kirkland Harrison from his wife, Harriet Y. Harrison.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That pursuant to the decree of the Chancery Court, sitting at Cahawba, in said State, at the July term of said Court, one thousand eight hundred and forty-one, the bonds of matrimony heretofore solemnized between Kirkland Harrison and his wife, Harriet Y. Harrison, be, and the same are hereby dissolved and annulled, and that said Kirkland Harrison, be, and he is hereby divorced from said Harriet Y. Harrison. ^{Harrison from Harrison.}

Approved, 15th January, 1844.

[No. 147.]

AN ACT

To authorize the Commissioners of the Sixteenth Section of Township twenty-two, Range two, west, Tuscaloosa Land District, in the county of Sumter, to rescind a certain contract therein described.

Commission-
ers authorized
to rescind
contract, &c.

Provisos.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the duly elected Commissioners of the Sixteenth Section, of Township twenty-two, Range two, west, in the county of Sumter, be, and they are hereby authorized, if in their opinion, it be expedient, to rescind the contract of a sale of all that portion of said Sixteenth Section, to Thomas Amerson, now deceased: *Provided,* That the legal representatives of the said Thomas Amerson, assent to the same; and the said Commissioners are hereby authorized, upon the rescinding of such contract, to surrender to the legal representatives of said Thomas Amerson, the notes executed by him, in consideration of the purchase of said land: *Provided,* That all interest due on said notes be paid up to the time of rescinding such contract, and that possession be given to the Commissioners of said land: *And provided further,* That a majority of the legal voters in said township, as well as the heirs of said Amerson, shall first assent in writing, to such rescission of said contract, which writing shall be filed and recorded in the office of the Clerk of the county court of said county.

Approved, 15th January, 1844.

[No. 148]

AN ACT

For the relief of the citizens of Township fifteen, and Range eight, east, in the County of Benton.

Qualified vot-
ers authorized
to rescind
contract.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That a majority of the qualified voters of Township fifteen, Range eight, east, in the county of Benton, together with the assent of John A. Findley, and his securities, be, and they are hereby authorized to cancel and rescind the contract heretofore made by the Commissioners of said Township, in the sale to said Findley, of the west half of the north-west quarter of section sixteen, in said Township, upon the said Findley surrendering to them the possession of said land, and all the evidence of title he may have to the same.

Sec. 2. *And be it further enacted*, That upon the Commissioners of said Township certifying to the fact, that the assent of the said Findley, and his securities, together with the assent of a majority of the qualified voters of said Township, have been obtained, it shall be the duty of the Cashier of the Bank of the State of Alabama, to surrender up to the said Findley the notes heretofore executed by him for the purchase of said land, and upon such surrender, said contract shall be null and void.

Notes to be
surrendered.

Approved, 15th January 1844.

[No. 149.]

AN ACT

To divorce Cena Cody from her husband, William Cody.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That pursuant to a decree of the Chancery Court, sitting at Hayneville, Alabama, the bonds of matrimony heretofore solemnized between Cena Cody and her husband, William Cody be, and the same are hereby dissolved, and that said Cena Cody be, and she is hereby divorced from her said husband, William Cody.

Cody from
Cody.

Approved, 15th January, 1844.

[No. 150.]

AN ACT

To change time of holding the Court in the Third District and Southern Chancery Division, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That hereafter the Chancery Court for the Third Chancery District in the Southern Chancery Division, composed of the county of Sumter, shall commence and be holden on the fourth Monday in February, in each and every year, instead of the first Monday in March, as now required by law.

When held.

Sec. 2. *And be it further enacted*, That all subpoenas and other process that may have been issued returnable to said court, as heretofore provided by law, be, and the same are hereby made returnable, as herein prescribed.

Process.

Sec. 3. *And be it further enacted*, That all laws and parts of laws conflicting with the provisions of this act, be, and the same are hereby repealed.

Repeal.

Approved, 16th January, 1844.

[No. 151.]

AN ACT

In relation to the Sixteenth Section, in Township four, Range three, in Limestone County.

Election to be
held in rela-
tion to invest-
ment of funds

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the School Commissioners in said Township are hereby authorized to hold an election, at some suitable place in said Township, after giving the notice required in an act, approved twenty-seventh January, one thousand eight hundred and forty-three, to ascertain the sense of the legal voters in regard to an investment of the funds of said Township, in lands according to said act; and that the said Commissioners may continue to hold such election as often as they think proper under the restrictions and authority of said act, and they may do and perform all things authorized by said act: *Provided,* Always that no re-investment, or other disposition of the school funds of said Township shall be made by the said Commissioners, until a majority of the legal voters of said Township shall have so ordered by a vote of such Township election.

Approved, 15th January, 1844.

[No. 152.]

AN ACT

For the better security of vessels and property upon the waters of this State.

Affidavit to
be made stat-
ing injury
sustained.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That when any person, his agent or attorney, shall make affidavit in writing, before any Justice of the Peace, or Clerk, or Judge of the Circuit or County Court, that any steamboat or other craft (stating the name of such craft, if known,) has run into, run down, run against, sunk, stove, fallen a foul of, or injured any other steamboat, flatboat, barge or other craft, and the amount of the loss or injury occasioned thereby, to the craft or property on board thereof, that it shall be lawful for any such officer aforesaid, to issue the process of attachment, directed to any Sheriff of the State of Alabama, or any other lawful officer, against the boat or craft which has caused such loss or injury, requiring him to seize and take possession of such boat or craft, her tackle, apparel and furniture, and the same retain until discharged as by law provided.

Sec. 2. *And be it further enacted,* That it shall be the duty of the officer executing the process of attachment, to seize, take

and retain in his possession and keeping, the said boat or craft, her tackle, apparel and furniture, to answer the judgment which may be rendered in such attachment proceeding, unless the master or owner of said boat or craft, or some other person, will enter into bond to the plaintiff, with sufficient security, conditioned to pay the judgment which may be rendered in such attachment proceeding in favor of the plaintiff, with all costs; upon the execution and delivery of which bond, the boat or craft shall be discharged; which bond shall be returned to the Court to which the attachment is made returnable, and execution shall issue against the obligors therein; or unless the master, owner, or some other person, will enter into bond to the plaintiff, with good security, conditioned to pay the plaintiff the value of the said boat or craft, her tackle, apparel and furniture, at the time of the issuance of the attachment, or so much thereof as shall be sufficient to satisfy the judgment which the plaintiff may recover in such attachment proceeding, together with all costs thereon; which bond shall be returned to the Court to which the attachment is made returnable, and execution shall issue against the obligors therein: *Provided*, That the person suing out such attachment, shall be required to give bond, payable to the owner or owners of such boat, in such sum as the officer granting such attachment may direct, conditioned that the person serving out such attachment, shall prosecute his suit to effect and pay the owner or owners all such damages as he or they may sustain by the wrongful or vexatious suing out of such attachment: *Provided further*, That the penalty in said bond shall not limit the amount of the recovery for the wrongful and vexatious suing out said attachment.

Duty of officers executing process of attachment.

Person suing attachment to give bond.

Proviso.

Sec. 3. *And be it further enacted*, That in order to ascertain the value of such boat or craft, it shall be lawful for the Sheriff to appoint three discreet persons to appraise the same.

Value of craft, how ascertained.

Sec. 4. *And be it further enacted*, That the attachment issued under this act, shall be made returnable to either the Circuit or County Court of the County where the process may be executed, and the declaration and subsequent proceedings shall conform to an action on the case for the injury.

Attachment, how returnable.

Sec. 5. *And be it further enacted*, That the issuance of the attachment shall operate and produce a lien on the boat or craft, from the time of the issuance of the attachment, which shall be prior to and supersede all other liens whatever; and it shall be the duty of the Clerk who shall issue execution, to endorse on the same the date of the issuance of the attachment.

Attachment to operate as a lien.

Sec. 6. *And be it further enacted*, That all proceedings against any boat or craft, under the provisions of this act, shall be commenced by the issuance of process within two years from the time the injury occurred, and not afterwards.

Time of proceeding limited.

Proceedings
under several
attachments.

Sec. 7. *And be it further enacted*, That when several proceedings by attachment under this act shall be commenced against the same boat or craft, it shall be lawful for the obligors in the bonds conditioned to pay the value of the boat or craft, to petition a Circuit Judge to permit them to pay into the Circuit or County Court of the County in which the attachments for the largest amount may be pending, the highest appraised value of the boat, and the said Circuit Court shall, upon due notice, award such money according to priority from the date of the injury, or if all the losses were produced at the same time, then *pro rata* among those entitled.

May be re-
viewed.

Sec. 8. *And be it further enacted*, That such last proceeding may be reviewed by writ of error sued out to the Supreme Court within six months from the time of the adjudication.

Approved, January 17, 1844.

[No. 153.]

AN ACT

In relation to the rescission of a certain contract of purchase of a part of the Sixteenth Section, in Township Twelve, Range Five, in Wilcox County.

Commission-
ers authorized
to rescind
contract with
Edmund
Waddle.

Proviso.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the assent of all the qualified voters of said Township, being first had and obtained, together with the assent of the makers of the notes, given for the purchase money thereof, the Commissioners of said Township be, and they are hereby authorized to rescind the contract of sale, of that portion of the aforesaid Sixteenth Section, heretofore made to one Edmund Waddle, of said County: *Provided*, The said Edmund Waddle assent to the same. *And provided further*, That the said Commissioners shall have and obtain the unanimous consent of the citizens of said Township, before they proceed to rescind said contract; and the State Bank at Tuscaloosa is hereby authorized and required to deliver up to said Waddle, his notes given for the purchase money of said portion of said Sixteenth Section, upon the presentation of the certificate of said Commissioners, (properly authenticated,) setting forth that all the qualified voters of said Township have assented to the rescission of the contract as stated above; and that the makers of the notes aforesaid have agreed thereto, and that said Waddle has surrendered said land to said Commissioners; and the said Bank is also hereby authorized and required to pay back to the said Waddle, any portion of the interest he may have paid on said notes, or any judgment in favor of said Bank upon said notes.

Approved, January 16, 1844.

[No. 154.]

AN ACT

To authorize William Magee to open a certain road therein named, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That William Magee be, and he is hereby authorized to erect a bridge across Bayou Chatigue, (or what is commonly known as Three Mile Creek,) at the termination of Magee's Avenue, or Royal Street, in the City of Mobile; and a bridge across Chickasawbogue, (at the place known as Holt's Old Steam Mill, and also across Bayou Sarah, near the house of Noble Johnston; and that he be authorized to erect a gate at or near Chickasawbogue, at which he (the said Magee,) is authorized to demand and receive from each and every person travelling the road and crossing the said bridges, the following rates of toll: May erect Bridge. For every four-wheeled carriage, drawn by two or more horses, mules or oxen, fifty cents; for every four-wheeled carriage, drawn by one horse, mule or ox, twenty cents; for every man and horse, ten cents; for every single horse or mule, five cents; and for every head of cattle, hogs or sheep, one cent. Rate of toll.

Sec. 2. *And be it further enacted,* That it shall be the duty of said Magee, his heirs or assigns, so soon as the bridges and the road passing over the same, from the termination of Royal Street to the intersection of the St. Stephen's Road, near the residence of Powell Gortman, Esq., shall be completed according to the order of the Commissioners of the Road Court of Mobile County, declaring the same a public highway, or road of the second grade, to keep the same at all times in good repair; and the said Magee, his heirs and assigns, shall enter into bond, with good and sufficient security, in the sum of one thousand dollars, to the Judge of the County Court of Mobile County, conditioned that he or they will make good all damages that may be sustained by any person, from his or their failure to keep said roads and bridges in good repair: *Provided,* That nothing in this act shall be so construed as to authorize the said Magee to obstruct the navigation of either of the aforementioned creeks or bayou. When may charge.

Sec. 3. *And be it further enacted,* That after the road and two of the bridges are completed, the said Magee is authorized to keep a ferry across the Chickasawbogue, until such time as the bridge across the said creek or bayou, shall be completed, during which time he is authorized to demand and receive the same toll as is prescribed by the first section of this act. May keep a ferry.

Sec. 4. *And be it further enacted,* That the right vested by this act, shall expire from and after the lapse of fifteen years, unless renewed by the Legislature, or some other competent authority. Privilege limited.

Approved, January 15, 1844.

[No. 155.]

AN ACT

For the relief of Drury Roberts, of Jackson County.

May be made
a pauper.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Commissioners' Court of Jackson County shall be authorized, if in the opinion of said Court it would be right and proper to do so, to set apart and authorize to be paid to Drury Roberts, (a pauper of said County,) out of the fund appropriated for the support of the Poor House, such sum as would be fair and equitable, and authorize said Drury Roberts to remain at home with his family.

Sec. 2. *And be it further enacted*, That all laws, contrary to the provisions of this act, be, and the same are hereby repealed.

Approved, January 15, 1844.

[No. 156.]

AN ACT

To change the name of the County Seat of Randolph County, from that of McDonald to Wedowe, and to incorporate the same.

Name chang-
ed to We-
dowe.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the name of the County Seat of Randolph County, be changed from that of McDonald to Wedowe; and that from and after the passage of this act, it be known and called by the name of Wedowe.

Officers of
corporation.

Sec. 2. *And be it further enacted*, That from and after the passage of this act, the corporate authorities of the Town of Wedowe, in the County of Randolph, shall be an Intendant, four Councilmen, and a Town Marshal, who shall be chosen by the qualified electors residing within the corporate limits of said Town, and who shall hold their office for the term of one year.

Limits of the
town.

Sec. 3. *And be it further enacted*, That the Wedowe incorporation shall extend in limit to one square mile, the Court House of Randolph County in the Town of Wedowe being in the centre of the incorporate limits.

Elections.

Sec. 4. *And be it further enacted*, That an election for Intendant, Councilmen and Marshal, shall be held in the said Town of Wedowe, by one Justice of the Peace and two freeholders, on the first Monday in February, eighteen hundred and forty-four; on the first Monday in February in each and every year thereafter, an election shall be held for said officers, under the direction of two of the Councilmen, who shall be selected for that purpose by the said Intendant and Councilmen.

Sec. 5. *And be it further enacted*, That said Intendant shall be, and he is hereby authorized and empowered to exercise all the jurisdiction, duties and powers which appertain to, and are exercised by Justices of the Peace in Randolph County, and shall be subject to the same penalties and liabilities: *Provided*, That the jurisdiction of said Intendant shall not extend beyond the corporate limits of said Town. Jurisdiction.

Sec. 6. *And be it further enacted*, That the said Town Marshal shall be, and he is hereby authorized and empowered to exercise all the powers which appertain to and are exercised by Constables in Randolph County, and shall be subject to the same penalties and liabilities: *Provided*, That the jurisdiction of the said Town Marshal shall not extend beyond the corporate limits of said Town. Marshal.

Sec. 7. *And be it further enacted*, That the said corporation shall have power to ordain or pass all such ordinances and resolutions, and make all such regulations as may by them be deemed necessary for the good order and government of said corporation, which shall extend to the cleaning and keeping in repair the streets of said Town, to the removing and prohibiting trespasses on the same, to the collecting of taxes on all property, both real and personal, including poll taxes within said corporation, for the purposes of defraying the expenses of the same. Powers of corporation.

Sec. 8. *And be it further enacted*, That the citizens of said Town who are subject to road duty, are hereby exempted from working on roads without the limits of said incorporation, but shall be subject to work on the roads and streets within said incorporation, under the same penalties and restrictions as are now in force for failing to work on roads in the County of Randolph. Citizens exempt, &c.

Sec. 9. *And be it further enacted*, That all laws and parts of laws, contravening the provisions of this act, be, and the same are hereby repealed.

Approved, January 16, 1844.

[No. 157.]

AN ACT

To establish a Board of Physicians in the County of Chambers.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, Cuthbert G. Hudson, David S. Thomas, Charles C. Bilbro, Peterson T. Richardson and — McCants, be, and they are hereby constituted a Board of Physicians for the County of Chambers, to be styled the Medical Board of Physicians of Chambers County. Board established.

Sec. 2. *And be it further enacted,* That said Board of Physicians shall have all the powers and privileges, and be governed by all the rules and regulations contained in an act entitled, An Act to establish a Board of Physicians in the Town of Jacksonville, approved December twenty-seventh, eighteen hundred and forty-one.

Approved, January 16, 1844.

[No. 158.]

AN ACT

For the support of Paupers in the County of Pike.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Judge of the County Court and Commissioners of Roads and Revenue for the County of Pike, be, and they are hereby authorized, whenever they, or a majority of them, shall deem it necessary, to purchase and receive title to any quantity of land, not exceeding forty acres, which title shall be made to the Judge of the County Court of Pike County, and his successors in office, and shall vest in, and be the property of said County of Pike.

Sec. 2. *And be it further enacted,* That said Judge and Commissioners are hereby authorized to contract for the building of all necessary houses for the purposes therein mentioned, and every thing else that is necessary to be done, the expenses of which shall be paid out of the County Treasury of Pike County.

Sec. 3. *And be it further enacted,* That whenever it shall appear to said Court that any person is a subject of public charity, he, she or they, so soon as there be a Poor House in said County, may be ordered by said Court to be conveyed to said Poor House, to be taken care of and supported. And said Court is authorized to employ some suitable person to superintend and take care of all the poor of said County of Pike.

Sec. 4. *And be it further enacted,* That it shall be the duty of said Judge and Commissioners, or a majority of them, to meet at said Poor House at least once in every three months, for the purpose of examining into the condition of the premises and treatment of the paupers; and the said Court shall have power to dismiss any person from the charge of said Poor House, whenever, in their opinion, the interest of the poor may require it; and generally to make such rules and regulations as to them may seem advisable, having due regard to economy and the comfort of the poor.

Sec. 5. *And be it further enacted,* That at the first Court of said Commissioners of Roads and Revenue, after said Poor House shall be built, shall Court said appoint one discreet person in

each Captain's Beat, to act as Overseer of the Poor, whose duty it shall be to report to said Court what person or persons are within his Beat, properly the subject of charity and public support, and said Overseers shall continue in office for the term of one year. Overseer.

Sec. 6. *And be it further enacted*, That before any superintendent shall enter upon the discharge of the duties of his office, he shall enter into bond, with two or more good securities, in the sum of one thousand dollars, payable to the Judge of the County Court of Pike County, and his successors in office, conditioned for the faithful discharge of the duties of his office. To give bond.

Sec. 7. *And be it further enacted*, That all laws, and parts of laws, contravening the provisions of this act, be, and the same are hereby repealed. Repeal.

Approved, 16th January, 1844.

[No. 159.]

AN ACT

For the more effectual preservation of the Arms of the State, in charge of the First Volunteer Regiment of Alabama Militia, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That it shall be lawful for the commissioned officers of the First Volunteer Regiment, to appoint an Armorer for said Regiment, whose duty it shall be, under the direction of said officers, to repair and keep in good order the said arms, and all others that may be confided to his charge. The said Armorer shall be removable by said officers at their pleasure, and shall receive such sum for his services as they shall direct, to paid out of a fund to be raised in a manner hereinafter provided. Armorer to be appointed.
His duty.

Sec. 2. *And be it further enacted*, That every person residing in the City of Mobile, and not a member of said Regiment, who is or shall be liable to militia duty, may be exempt therefrom, on the payment of two dollars annually to the Armorer or Collector of said Regiment, for which sum he shall receive a certificate from under the hand of the Colonel of said Regiment, which shall exempt the person to whom it is granted from all service in the militia, except in cases of invasion, insurrection, war or draft: *Provided*, That each person so exempt from ordinary militia duty, shall continue regularly enrolled. Persons in Mobile exempt from militia duty upon conditions.

Sec. 3. *And be it further enacted*, That it shall be the duty of the officers of said Regiment, to report annually to the Governor of the State, the amount which shall have been collected under this act, and, if there is any excess over paying the Officers to report annually to Governor.

expenses of said Armory, it shall be appropriated in such manner as the officers of said Regiment shall direct: *Provided*, That no appropriation shall be made out of said fund, other than the expenses of said Armory, without the approbation of the Governor of the State.

Commanding officer to make annual report to Adj. General.

Sec. 4. *And be it further enacted*. That it shall be the duty of the commanding officer of the Regiment to furnish annually the Adjutant General of the State, with a correct roll and report of the strength and condition of his command, and shall also furnish the Quarter Master General a return of the arms of every description in possession of his Regiment, before the first day of each and every year; and that said Regiment may hold not exceeding four regimental musters or parades in each year, and an encampment for military instruction and review, of not less than three nor more than four consecutive days, at such time and place as the commanding officer may designate; said encampment to be conducted on military principles; and the commanding officer of said Regiment shall not be required to obey any orders not emanating from the Governor of the State, except when ordered to assemble by the Sheriff or the civil authorities of the County and City of Mobile, to suppress riots or other disturbance of the public peace: *Provided*, It shall be the duty of said Regiment to attend one inspection and review at such time and place as the Major or Brigadier General may appoint.

Exemptions of members of 1st vol. Regiment.

Sec. 5. *And be it further enacted*, That the officers and members, and their successors, of said Regiment, be, and the same are hereby exempt from all Jury duty in the County of Mobile, so long as they continue to be active members of said Regiment; to ascertain which, it shall be the duty of the commanding officer of each Company to furnish the Adjutant of said Regiment, by the first Monday of February, annually, a full and correct roll, certified upon honor, of the strength and condition of his command; and said Adjutant shall consolidate the same, and furnish a copy of said reports to the Clerks of the Circuit and County Courts of Mobile, on or before the first of March in each year.

Effect of unpaid fines.

Sec. 6. *Be it further enacted*, That when a Court Martial shall impose a fine on any officer of said Regiment, which cannot be collected, it shall operate as a suspension of said officer, till the fine shall be paid.

Condition of exemption according to this act.

Sec. 7. *And be it further enacted*, That no Company in said Regiment shall be exempt, according to the provisions of this act, having less than forty rank and file members, or more than sixty, with the requisite number of legal commissioned officers; and that any Company or Companies attached to this Regiment, not complying with the provisions of this act, shall be disbanded.

Repeal.

Sec. 8. *And be it further enacted*, That all laws and parts of laws contravening the provisions of this act, be, and the same are hereby repealed.

Approved, January 15, 1844.

[No. 160.]

AN ACT

To amend An Act, to incorporate the Mobile Navigation and Insurance Company, approved 4th February, 1843.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the members of said corporation shall have full ^{Powers of} power to conduct the business of insurance, on the principle of ^{corporation.} mutual assurances, and shall have power to determine the mode according to which such mutual assurances may be made, and how the premiums and profits shall be preserved and invested, and the manner and periods at which dividends shall be declared.

Sec. 2. *And be it further enacted,* That the corporators, and ^{Powers con-} their successors, shall determine the number of officers or agents ^{tinued.} to manage the affairs and business of the Company, their term of office, the periods of their election, and the extent and scope of their powers.

Sec. 3. *And be it further enacted,* That after the passage of ^{Name chang-} this act, the name of the said corporation shall be, ^{ed.} The Mobile Navigation and Mutual Insurance Company.

Sec. 4. *And be it further enacted,* That the said corporation shall not be limited to their capital stock, in the business of mu- ^{Shall not be} tual insurances; but the said business of mutual insurance may ^{limited.} be conducted separately and independently of the general business of the corporation, except that the stock of the corporation shall be held and taken as security for the losses on this, as well as on other business of the corporation.

Sec. 5. *And be it further enacted,* That so much of the act of which this is an amendment, as is inconsistent herewith, be, ^{Repeal.} and the same is hereby repealed: *Provided,* That the stockholders shall be responsible for the amount of their stock respective- ^{Proviso.} ly, and no more, any law to the contrary notwithstanding.

Approved, January 16, 1844.

[No. 161.]

AN ACT

Authorizing the filing of Bills in Chancery in certain cases.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That whenever an execution against the property of a defendant shall have been issued on a judgment at law, and shall have been returned unsatisfied, and there shall remain due on said judgment, ^{When bill} the party suing out such execution may file a bill in Chancery ^{may be filed.}

against such defendant, and any other person or persons, to compel the discovery of any property, money, or thing in action, belonging to the defendant, and if any property, money, or thing in action due to him, or held in trust for him, and to prevent the transfer of any such property, money, or thing in action, or the payment or delivery thereof to the defendant, except when such trust has been created by, or the fund so held in trust, has proceeded from some other person than the defendant himself.

Court may
compel dis-
covery.

Sec. 2. *And be it further enacted*, That the said Court shall have power to compel such discovery, and to prevent such transfer, and to decree satisfaction of the sum remaining due on such judgment, out of any property, money, or thing in action, belonging to the defendant, or held in trust for him, with the exception above stated, which shall be discovered by the proceedings in Chancery, whether the same were originally liable on execution at law or not.

When bill of
discovery
may be filed.

Sec. 3. *And be it further enacted*, That a bill of discovery may be filed, and the defendant shall be compelled to answer such bill, when the defendant is charged with having confessed, or suffered any judgment purporting to be for a sum or debt due, when in fact nothing, or, only a part of the sum stated in said judgment is due, with intent to defraud the just creditors of such defendant, or to place the property of the defendant out of the reach of his creditors, or to hold the same on some secret trust or confidence, or for the benefit of such defendant.

Approved, January 15, 1844.

[No. 162.]

AN ACT

To provide for a full and equitable assessment of Taxes for the City of Mobile.

Time of mak-
ing return of
assessment.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That it shall be, and is hereby, made the duty of the Assessor of Taxes for the City of Mobile, elected on the first Monday in November, A. D. eighteen hundred and forty three, to make, complete, and return to the Clerk of the City of Mobile, his assessment of all the real and personal estate within the incorporated limits of said City, (together with the names of the owners of such property,) on or before the first Monday in February, A. D. eighteen hundred and forty-four.

Sec. 2. *And be it further enacted*, That in case of the death, resignation, inability, refusal or neglect of the Assessor of Taxes, elected as aforesaid, to make, complete and return, a full and equitable assessment of all the personal and real estate within the

limits of said City, on or before the first Monday in February, eighteen hundred and forty-four, or in case the Mayor, Aldermen and Common Council of said City, after an examination of said assessment, should find it incomplete and erroneous, and should reject said assessment, then the office of said Assessor shall be declared vacant by the said corporate authorities, and the assessment shall be void and of no effect. And after giving five days' public notice, in some of the newspapers of the City aforesaid, the said Mayor, Aldermen and Common Council, shall in joint convention elect one or more Assessors of taxes, who shall forthwith enter upon their duties; for the faithful performance of which, they shall give bond in such sum as may be deemed sufficient by the corporate authorities aforesaid. And the said Assessor or Assessors, thus elected, shall make a full and complete assessment of all the real and personal estate within the limits of said City, and return the same to the Clerk of the City, on or before the fifteenth day of March, A. D. eighteen hundred and forty-four; and his or their assessment shall be valid, and as binding as if he or they had been elected on the first Monday of November, A. D. eighteen hundred and forty-three, under provisions of an act entitled an act to alter and amend the charter of the City of Mobile, passed December, eighteen hundred and forty-one.

In case of failure to make return, others to be appointed.

Approved, January 16, 1844.

[No. 163.]

AN ACT

To rescind the contract of sale for the north half of Section sixteen, Township sixteen, Range twenty-eight, in Russell county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the contract for the north half of section sixteen, township sixteen, range twenty-eight, in the county of Russell, be, and the same is hereby cancelled and annulled; and all notes and other liabilities, which have accrued on account of said sale or contract, be barred: *Provided,* the purchaser be willing, and a majority of the qualified voters of said township have expressed their willingness to cancel.

Contract may be rescinded.

Sec. 2. *And be it further enacted,* That all laws or parts of laws, contravening the provisions of this act, be, and the same are hereby repealed.

Approved, 17th January, 1844.

[No. 164.]

AN ACT

For the relief of Isaiah J. Kirksey.

Relief from
duelling law.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter, in all cases where it may be necessary, for Isaiah J. Kirksey, to take or subscribe the oath or oaths prescribed by law against duelling, that the same be limited in point of time to the first day of January, in the year of our Lord, eighteen hundred and forty.

Approved, 17th January, 1844.

[No. 165.]

AN ACT

To change the time of holding the the County Court of Coffee County.

County court,
when held.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, the County Court of Coffee county, shall be held on the fourth Mondays in February and August, in each year, instead of the time now established by law, and continue in session three days, if the business of the Court require it.

Approved, 17th January, 1843.

[No. 166.]

AN ACT

To authorize the levy of a Special Tax in the County of Fayette, for the support of Paupers.

Commission-
ers authorized
to levy tax.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Judge of the County Court, and Commissioners of roads and revenue, in and for the county of Fayette, be, and they are hereby authorized and empowered to levy an amount of tax, not to exceed the county tax, to be assessed and collected in like manner with said county tax, to be expended and directed for the sole purpose of relieving and supporting the paupers of said county, in such manner as the said Judge and Commissioners shall deem most advisable and expedient.

Approved, 17th January, 1844.

[No. 167.]

AN ACT

To repeal in part an act regulating the drawing of Jurors, as to the County of Fayette.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That so much of an act to be found in Clay's Digest, page four hundred and fifty, section forty-nine, as directs twenty-four jurors to be drawn for the county of Fayette, be, and the same is hereby repealed as to the county of Fayette; and that from and after the passage of this act, no jury shall be drawn for the County Court of Fayette, as required in said act hereby repealed. Jurors, how drawn.

Approved, 17th January, 1844.

[No. 168.]

AN ACT

To authorize an election to be held in the Town of Vienna, in Pickens County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the citizens of Vienna, in the county of Pickens, may hold an election for officers, in accordance with the provisions of an act incorporating said Town, approved the twenty-eighth of December, one thousand eight hundred and forty-one, on the first Monday in February next, or any time within forty days thereafter: *Provided,* That ten days previous notice of the same be given in writing, at two or more public places in said Town, which election may be held by B. J. Hughes, Reuben Weaver, and John Carmichael. Election authorized.

Approved, 17th January, 1844.

[No. 169.]

AN ACT

To change the time of holding the Circuit and County Courts of the County of Limestone, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the first day of May next, the Circuit Court of the county of Limestone, shall be holden on

Circuit court, when held. the first Mondays in March and September, in each year, and continue in session one week, and no longer.

County court, when held. Sec. 2. *And be it further enacted*, That from and after the first day of May next, the County Court of the county of Limestone, shall be holden on the first Mondays in June and December, in each year, and continue in session until the business is disposed of.

Lauderdale Circuit court. Sec. 3. *And be it further enacted*, That the Circuit Court of Lauderdale county, shall hereafter be held and continue two weeks, and that jurors be summoned to attend, for and during two weeks, instead of one, as now is the law.

Repeal. Sec. 4. *And be it further enacted*, That all laws, and parts of laws, contravening the above provisions, be, and the same are hereby repealed.

Approved, 17th January, 1844.

[No. 170.]

AN ACT

For the relief of Polly Rosser, wife of Daniel Rosser.

Preamble. WHEREAS, at the term of the Chancery Court of Wilcox county, held in the year of our Lord, one thousand eight hundred and forty-two, by a decree of said court, her portion of the real and personal estate of her father, Jesse Comander, deceased, was secured to her separate use and settled upon said Polly Rosser, and the heirs is, unable to have the possession and full enjoyment of the property thus decreed to her, from her inability to obtain a trustee in this State to act and give the required security; for remedy whereof,

Authorized to receive property without a trustee. Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the said Polly Rosser, shall be authorized to receive, take possession of, and enjoy her said portion of her father's estate, without the intervention of a trustee; that she may sue for, recover and receive the same, in the same manner as if she were a *feme sole*; that the administrator of said estate, shall be authorized to pay and deliver over the same to her, or her order, and her receipt shall be a sufficient voucher for the administrator, or any succeeding administrators of said estate, on the settlement of his accounts.

Approved, 16th January, 1844.

[No. 171.]

AN ACT

To establish and abolish certain Election Precincts therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That election precincts be, and are hereby established at the following places, viz.:

Election Pre-
cincts estab-
lished in—

At James Powel's gin house, near Cane Creek Bridge; and Carletons' Store, in Clarke county.	Clarke
At the house of Samuel Young, in Wilcox county.	Wilcox
At Thomas Fowler's, in Henry county.	Henry
At the house of John Kelly; and another at the house of John Arledge, in Wilcox county.	Wilcox
At Tompkinsville, in Sumter county; and another at Williams' Cross Roads, in said county.	Sumter
At the new Mississippi Hotel, in the city of Mobile.	Mobile.
At Frost's Mineral Spring, in the county of Franklin; another at the house of Pleasant Taylor; and another at the house of Robert Bates, in said county.	Franklin
At Benjamin Parker's, in Covington county.	Covington
At the house of John Armstrong, in the county of Marion.	Marion
At Aaron Moore's, in Bibb county.	Bibb
At Union, in the county of Greene.	Greene
At the house of Moses Barber, in the county of Autauga.	Autauga
At Daniel Hughes', in Tuscaloosa county.	Tuscaloosa
At the house of Jesse Cunningham, in the county of Jefferson.	Jefferson
At Edward Clowess', in Tallapoosa county.	Tallapoosa
At the house of William Jordan, in the county of Macon.	Macon
At John Garner's Store, in Bibb county.	Bibb
At the Court Ground, or Gold Branch, beat number two, in the county of Tallapoosa.	Tallapoosa
At B. Hagerty's Mills, Montgomery county.	Montgomery
At William P. Reed's, in the county of Benton; another at Muscadine Creek, near the house of William Duncan; another at the Court Ground, near Battle Mayfield's, in the same county.	Benton
At the house of Thomas West, in the county of Pickens.	Pickens.
At the house of John Stewart, in Walker county.	Walker
At the house of Burnet Boyd, in the county of Covington.	Covington
At the house of Samuel Seasey, in the county of Henry.	Henry
At the house of Robert Jarman, in Marengo county.	Marengo
At the Burnt School House, in Blount county.	Blount
At Carleton's Storehouse, in Clarke county.	Clarke
At Memphis, in the county of Pickens.	Pickens

Tuscaloosa	At the house of Frederick Hall, in Tuscaloosa county.
Henry	At the house of James Brook, in Henry county.
Limestone	At the houses of George Johnson and William Horton, in Limestone county
Butler	At Sim's Store, in Butler county.
Washington	At the houses of Peter Myer and James T. Carter, in the county of Washington.
Barbour	At the houses of Wany Killpatrick and William B. Atkinson's Mill, in Barbour county.
Marshall	At the White House, and at the house of Isaac Childers, in Marshall county.
Lowndes	At the house of John McFarren, in the county of Lowndes.
Dallas	At the Cross Roads, near Samuel Thomas's, in the county of Dallas; and another at the house of James Drennan; and at the house of David Prince, in the same county.
Cherokee	At Joseph Smith's Store, in the county of Cherokee.
Lowndes	At Hickory Grove, in the county of Lowndes.
Dale	At Rocky Head, in the county of Dale.
Blount	At Elijah Waley's, in Blount county.
Barbour	At Robert Richard's, in Barbour county.
Pickens	At William Henry's Store, in Pickens county; at James D. Lowe's house, in Pickens county.
Monroe	At William Bargener's, in Monroe county.
De Kalb	At the house of Thomas G. A. Cox, in De Kalb county.
Macon	At Fort Decatur, in Macon county.
Bibb	At the house of Jesse Miller, in Bibb county.
Talladega	At Hendrix's school house, in Talladega county.
Abolished in	Sec. 2. <i>And be it further enacted</i> , That election precincts heretofore established at the following places, be, and the same are hereby abolished, viz.:
Wilcox	At the house of Erie Rogers, in the county of Wilcox; and at the house of Richard Lancaster, in said county.
Sumter	At Pace's Store, in the county of Sumter.
Mobile	At the Mississippi Hotel, in the city of Mobile.
Franklin	At Fouché's, in the county of Franklin; and at the houses of Partain R. Burgess and John Reed, in said county.
Marion	At Millsville, in the county of Marion.
Autauga	At the house of James G. Johnson, in the county of Autauga.
Jefferson	At the house of Thomas Barton, in the county of Jefferson.
Tallapoosa	At Kealigree, in the county of Tallapoosa.
Benton	At Leak's Mill, and Newman Pounds, in the county of Benton.
Walker	At the house of James Crafts, in Walker county.
Henry	At the house of Joseph E. Albriton, in Henry county.
Montgomery	At Spear's, in the county of Montgomery; at the house of James Ross, in the same county.
Blount	At the house of De Forrest Allgood, in Blount county.
Limestone	At McComb's Cross Roads, and Tilman's, in the county of Limestone.
Washington	At Carrollton, in Washington county.

At Marshall, in the county of Marshall.	Marshall
At the house of George Thomas, in Dallas county.	Dallas
At the house of Seaborne Palmer, in the county of Cherokee.	Cherokee
At Dailey's Store, in Monroe county.	Monroe
At the house of Jones Bridges, in Dale county.	Dale
At the house of Abram E. Rouden, in Cherokee county.	Cherokee
At the house of A. Woods, in Barbour county.	Barbour
At the house of John White, in Tuscaloosa county.	Tuscaloosa
At Mitchell's Mill, in Montgomery county.	Montgomery
At Uri Comboo's Mill, in Henry county.	Henry
At Tilman's in Limestone county.	Limestone
At James Minn's, in Autauga county.	Autauga
At the house of Charles Stawers, in De Kalb county.	De Kalb
At the house of Joab Pratt, in Bibb county.	Bibb
At the house of Hanse Hendrix, in Talladega county.	Talladega

Sec. 3. *And be it further enacted*, That the election precinct heretofore established at the White Sulphur Springs, in Morgan county, be, and the same is hereby abolished; and that one be, and is hereby established in lieu thereof, at Cookesville, in said county of Morgan.

Approved, 17th January, 1844.

[No. 172.]

AN ACT

Making appropriations for the year one thousand eight hundred and forty-four.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the following sums of money be, and the same are hereby appropriated out of any money in the treasury not otherwise appropriated; and to be paid to the following persons, in payment of the claims, for the year one thousand eight hundred and forty-four, viz.:

To the Governor of the State, the sum of twenty-five hundred dollars: To Governor

To the Secretary of State, twelve hundred dollars: Sec'y of State

To the Comptroller of Public Accounts, and State Treasurer, one thousand dollars each: Comptroller & Treasurer

To the Judges of the Supreme Court, twenty-two hundred and fifty dollars each: Judges of Supreme Court.

To the Chancellors, two thousand dollars each: Chancellors

To the Judges of the second, third, fourth, sixth, seventh, eighth, and ninth, Judicial Circuits, fifteen hundred dollars each: Circuit Judges

- Circuit Judges To the Judges of the first and fifth Judicial Circuits, two thousand dollars each:
- Att'y General To the Attorney General, four hundred and twenty-five dollars:
- Solicitors. To the Solicitor of the sixth Judicial Circuit, three hundred and fifty dollars:
- To the Solicitors of the second, third, fourth, fifth, seventh, eighth, and ninth Judicial Circuits, two hundred and fifty dollars each:
- Quar. Master General To the Quarter Master General, two hundred dollars.
- Adj't General To the Adjutant and Inspector General, four dollars per day, for each and every day he shall be engaged in the actual discharge and fulfilment of his duties, not to exceed two hundred dollars:
- Gov's Private Secretary. To the Private Secretary of the Governor, three hundred and fifty dollars:
- Sec of Senate Clerk H of R. For the pay of the Secretary of the Senate, and Principal Clerk of the House of Representatives, the sum of seven dollars per day each:
- Assistant Sec of Senate. For the pay of the Assistant Secretary of the Senate, and the Assistant and Engrossing Clerk of the House of Representatives, each, the sum of five dollars per day, during the session:
- Doorkeeper For the pay of the Doorkeeper of the Senate, and House of Representatives, the sum of five dollars per day, each, during the session:
- Sec. of State To the Secretary of State, for indexing the Laws, copying the Journal of both Houses of the present session of the General Assembly, preparing the whole for the press, and superintending the printing of the same, the sum of three hundred dollars:
- Comptroller Pub. Acc'ts To the Comptroller of Public Accounts, for clerk hire in his office, for the year one thousand eight hundred and forty-three, the sum of two hundred and fifty dollars:
- Sec of Senate Clerk H of R. To the Secretary of the Senate, and Principal Clerk of the House of Representatives, the sum of one hundred dollars each, for bringing up and completing the Journals of both Houses of the General Assembly, and filing away the papers after the adjournment.
- Contingent Fund. Sec. 2. *And be it further enacted*, That the sum of five thousand dollars, be, and the same is hereby appropriated and set apart, to defray the Contingent Expenses of the State Government.
- General Assembly Sec. 4. *And be it further enacted*, That the sum of twenty-four thousand dollars, be, and the same is hereby appropriated, to pay the members of the present General Assembly.

Approved, 17th January, 1844.

[No. 173.]

AN ACT

To authorize Brigade Encampments in the Sixth Brigade,
Alabama Militia.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the fifth section of the ninth chapter of the military code of this State, be, and the same is hereby revised, so far only as relates to the Sixth Brigade of Alabama militia. Repeal.

Sec. 2. *And be it further enacted,* That the commanding officer of the sixth brigade, shall be authorized to order courts martial for the trial of defaulters at such brigade drills; which courts martial, shall have power to impose such fines as are prescribed by the military code of this State. Court martial to be held

Approved, 17th January, 1844.

[No. 174.]

AN ACT

To incorporate the Trustees of the Female Academy, in the
Town of Eufaula, Barbour County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That John M. Copeland, Thomas Flournoy, L. C. Harrison, Jacob Smith, John L. Hunter, R. C. Shorter, William L. Cowan, Clayton R. Woods, Zadock J. Daniel, and John A. Calhoun, and their successors in office, be, and they are hereby constituted, a body corporate and politic, under the name and style of the Trustees of the Eufaula Female Academy, in the county of Barbour, for the purpose of promoting education in said town; and by that name and style, may sue and be sued, answer and be answered unto, in any court of law or equity; may have, and use a common seal, and the same to alter and amend at pleasure; may have and hold real and personal estate, to the amount of fifty thousand dollars; and that all the real estate so holden, to be exempt from taxation, with power to make such rules, by-laws, and regulations for the government of their body, as may be consistent with the laws of this State, and of the United States. Name and style.

Sec. 2. *And be it further enacted,* That in all cases, when a vacancy shall occur in said body, that the same shall be filled by the said Board of Trustees, at any regular meeting of said Board. Powers.

Sec. 3. *And be it further enacted,* That all laws and parts of laws, which may conflict with this act, be repealed, and Vacancies.

Repeal.

more especially an act heretofore passed on the twenty-second day of December, A. D., one thousand eight hundred and thirty-six, and entitled, "An Act to incorporate the Irwinton Female Academy;" also, an act, entitled, "An Act to consolidate the Male and Female Academy, of the Town of Irwinton, Barbour county, into one body corporate, passed the twenty-ninth day of December, one thousand eight hundred and forty-one."

Approved, 17th January, 1844.

[No. 175.]

AN ACT

To incorporate the Alabama Military and Scientific Institute, in the Town of Eufaula, County of Barbour.

Repeal.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the several acts of incorporation of the Male and Female Academies of the town of Eufaula, (lately Irwinton.) in the county of Barbour, and also the act incorporating the "Alabama Military and Scientific Institution," at Eufaula, approved fifteenth day of February, Anno Domini, one thousand eight hundred and forty-three, be, and the same are, each and every of them, hereby repealed.

Name and style.

Sec. 2. *And be it further enacted,* That Reuben B. Shorter, John L. Hunter, Jefferson Buford, Jacob Smith, John Gill Shorter, Alexander B. Crawford, John A. Calhoun, William L. Cowan, James L. Pugh, George L. Barry, William Wellborn, and William H. Thornton, and their successors in office, shall be, and they are hereby established a body corporate, in deed and in law, by the name and style "The President and Trustees of the Alabama Military and Scientific Institute, of the Town of Eufaula;" and by that name shall have power to receive donations, borrow money, purchase, have and hold real and personal estate in perpetuity, and to sell the same; and to sue and be sued, plead and be impleaded, and to receive all debts that may become due, owing, or belonging to said Institution, as the property thereof: *Provided,* That they shall not own at any one time, more real estate than shall be of the value of fifty thousand dollars.

Powers of Trustees.

Sec. 3. *And be it further enacted,* That the above named Board of Trustees, shall have power to appoint, and prescribe the duties of a President, Secretary, and Treasurer, and such other other officers, directors or visitors, and adopt such a constitution and by-laws in pursuance thereof, not repugnant to

this act, or laws and Constitution of the United States, or of the State of Alabama; and to grant such rewards, and confer such diplomas, or honors on graduates, as they may deem expedient for the well being of said Institution; and to have and use a common seal, and the same to break, alter or renew at pleasure.

Sec. 4. *And be it further enacted*, That vacancies which may occur in the Board of Trustees, from any cause, shall be filled by a majority of the remaining trustees. Vacancies.

Sec. 5. *And be it further enacted*, That the lots owned, and buildings erected, by the said trustees, together with such other property as they may hereafter purchase, or become seized of, for the exclusive use of said Institution, shall be exempt from all taxation whatever. Exempt from taxation.

Sec. 6. *And be it further enacted*, That this act may at any time hereafter, be modified or repealed.

Approved, 17th January, 1844.

[No. 176.]

AN ACT.

To amend the Statute of Limitations.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, all actions or motions against any security to any writ of error, appeal, replevin, or forthcoming bond, executed in any cause, in any of the courts of the United States, or the courts of either of the States, except the State of Alabama, shall be commenced within four years next after the breach of the condition of such bond, and not after; and in default of such suit or motion, the securities to the same shall be discharged. Actions to be commenced in four years.

Sec. 2. *And be it further enacted*, That the provisions of the foregoing section, shall be taken to apply to all bonds of the description therein mentioned, which may have been heretofore given: *Provided*, That no suit or motion shall be barred by this act, within twelve months after its passage. How applied. Proviso.

Sec. 3. *And be it further enacted*, That all laws or parts of laws, contravening the provisions of this act, be, and the same are hereby repealed. Repeal.

Approved, 17th January, 1844.

[No. 177.]

AN ACT

For the relief of Justices of the Peace in the City of Tuscaloosa, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, Justices of the Peace in and for the different Beats in the City of Tuscaloosa, shall be, and they are hereby permitted to reside out of their respective Beats: *Provided,* That said Justices of the Peace shall reside within the City of Tuscaloosa, or its environs: *And provided further,* That at the time when elected, they shall be inhabitants of the Beat for which they may be chosen, as now provided by law.

May reside
out of Beats.

Proviso.

Two Constables may be elected in La Fayette, and Greensboro'.

Sec. 2. *And be it further enacted,* That it shall be lawful to elect two Constables in the Beat in which La Fayette is in, in Chambers County; also two Constables in Beat number six, in Greensborough, in the County of Greene.

Sec. 3. *And be it further enacted,* That all laws and parts of laws, contravening the provisions of this act, be, and the same are hereby repealed.

Approved, January 17, 1844.

[No. 178.]

AN ACT

Authorizing James Nance to remove the settlement of the estates of Lundy Lee and Pleasant Lee, from the County of Dallas to the County of Pickens.

Administrator authorized to remove papers, &c. from Dallas to Pickens.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That James Nance, of the County of Pickens, Administrator with the will annexed, of the estate of Lundy Lee, and Executor of the estate of Pleasant Lee, wife of said Lundy Lee, be, and he is hereby authorized and empowered to remove all the original papers, with a transcript of all the orders and proceeding had in relation to his management of the said estates, as Administrator and Executor, in the Orphans' Court of Dallas County, to the Orphans' Court in Pickens County; and it shall be the duty of the County Court Clerk of Dallas County, to give the said James Nance all the original papers, with a full transcript of the orders and all other proceedings necessary and proper for a transfer of the administration and final settlement of said estates, in the County of Pickens; and it shall be the duty of the Clerk of the County Court of Pickens, to file away and

record all such papers and transcript in the same manner as if the whole proceeding had originated in the County of Pickens: *Provided*, The said James Nance shall first execute a bond in the Orphans' Court of Pickens County, for the faithful management and care and final settlement of said estates, as provided ^{Provisos.} for by the existing laws, and produce to the Clerk of Dallas County, written evidence of the same, from under the hand of the Judge of the Orphans' Court of the County of Pickens: *And provided further*, That the Clerk of the County Court of Dallas shall take a receipt from the said James Nance, and file it in his office, for the delivery of all the papers into his hands.

Sec. 2. *And be it further enacted*, That Isham C. Miles, guardian of Ellen McKinney, minor, heir of Samuel McKinney, of Marengo County, be, and he is hereby authorized to remove his guardianship, and all the papers connected therewith, to the County of Washington, on giving the necessary bond and security. ^{Guardianship removed.}

Approved, January 16, 1844.

[No. 179.]

AN ACT

To authorize the Judge of the County Court of Covington County, to receive certain notes, and for other purposes.

WHEREAS, the Commissioners of Section sixteen, Township three, Range fourteen, East, in Covington County, Alabama, did, in pursuance of law, sell to Simeon Ward, of the State and County aforesaid, part of the aforesaid Sixteenth Section, and took his note therefor, and for the performance of their several duties, give bond as provided for by law, which bond the Clerk of the County Court carried off or destroyed, so that it cannot be found, by reason of which, the Judge of the County Court of said County now refuses to have said sale recorded, or to return said notes to the State Bank, according to the statute in such cases made and provided; and whereas, William Payet, one of the said Commissioners, has since died, and Abraham Smith, also one of the said Commissioners, refuses to act as such, by reason whereof, a second bond cannot be executed so as to secure to said Ward his purchase: For remedy whereof, ^{Preamble.}

Section 1 *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That whenever successors may be appointed to the said Payet and Smith, with the other Commissioner who will execute bond, believe it shall be lawful for the Judge of said County to ratify the sale so aforesaid made to said Ward. ^{Authority given to Judge of County Court}

Approved, 17th January, 1844.

To test the sense of the people of Barbour County, in the propriety of removing the Seat of Justice in said County, and for other purposes.

Election to be held, when, and how conducted.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it is hereby made the duty of the Sheriff of the County of Barbour, to cause written notices to be posted up in each precinct in said County, thirty days previous to the August election in eighteen hundred and forty-four, that the polls will be open to the duly qualified electors, to signify their wish on the subject of the removal of the Seat of Justice from Clayton, the centre of the County, where it is now established by law, to Eufaula, on the eastern edge of the County; and the managers who may be appointed to hold the general election on the first Monday of August next, are hereby authorized and required to ask each elector how he votes on the question, and record his answer. Any elector wishing to vote on the question, shall only be allowed to do so in the Beat in which he resides; and if he be in favor of a removal, shall write on his ticket the word "Removal;" and the Sheriff is hereby required to cause the managers to keep an accurate account of said votes.

Illegal voting, how provided against.

Sec. 2. *And be it further enacted,* That on the affidavit of any citizen of the County, made before the Judge of the County Court of Barbour, that said election has been conducted incorrectly and unfairly, by illegal votes having been received; and on notice of such affidavit being made known to the Sheriff of said County, it shall be the duty of said Sheriff to give notice to the managers of said election, at the various precincts, who shall thereupon return the ballots, together with the names of the persons voting, to the Judge of the County Court of Barbour, whose duty it shall be to cause the Commissioners of Roads and Revenue to convene on a day to be named by him; and the said Judge and Commissioners shall institute a Court, vested with full powers to investigate and purge the polls of all illegal and improper votes.

Eufaula.

Sec. 3. *And be it further enacted,* That on ascertaining the true sense of the legally qualified voters of Barbour County, in the mode provided for in the preceding sections, there shall be found to be a majority of them in favor of removal of the County site of Eufaula, it shall be so removed, so soon as a suitable Court House and Jail be built; and shall so remain until the sovereign people of said County shall otherwise order and direct.

Sec. 4. *And be it further enacted,* That should a majority of the qualified voters of the County determine on the removal of the Seat of Justice from Clayton to Eufaula, in the mode before

indicated, then it shall be the duty of the Judge of the County Court and the Commissioners of Roads and Revenue, and they are hereby authorized and empowered to sell the Court House and Jail in the Town of Clayton, either for cash or on time, as they may deem most advisable, and for the true interest of the County, reserving the use of said buildings until new ones are erected at Eufaula; and the Courts shall continue to be held in Clayton, until the buildings intended to be built shall be completed. And further, the Judge of the County Court and the Commissioners of Roads and Revenue, in said County, are hereby authorized and empowered to raise, by taxation, such additional sum to the proceeds of sale of the present Court House and Jail, as they may deem expedient for the erection of the new buildings contemplated to be built, so that the sum in the aggregate shall not exceed ten thousand dollars, nor more than one-third that amount be assessed and collected in any one year.

Clayton.

Commissioners authorized to levy tax.

Sec. 5. *And be it further enacted*, That all laws and parts of laws, contravening the provisions of this act, be, and the same are hereby repealed.

Approved, January 17, 1844.

[No. 181.]

AN ACT

To enable the Executrix of Michael J. Kenan to secure the payment of certain money to the Branch Bank at Mobile.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Eliza Kenan, the acting Executrix of the last will and testament of Michael J. Kenan, deceased, be, and she is hereby authorized and empowered to convey by deed of mortgage to the Branch of the Bank of the State of Alabama at Mobile, all or any, or so much of the estate, real or personal, or both, of the said Michael J. Kenan, deceased, as will be sufficient to secure to the said Bank the payment of a note executed by William Seawell, Thomas Kenan and Eliza Kenan, for eleven thousand five hundred and seventy-eight, eighty-seven hundredths dollars, or thereabouts, payable to B. Gayle, Cashier, or bearer, due first and fourth February, eighteen hundred and forty-two, with interest at maturity, seven hundred and eleven, fourteen one hundredths dollars, and all interest which is now or may hereafter become due thereon; which said conveyance or mortgage, shall be good and valid binding on the property of said estate; the said note having been executed for the purpose of extending the debt of the said Michael J. Kenan to said Bank, contracted in his life time: *Provided*, nothing in this act shall be so construed

Eliza Kenan, executrix may convey land by deed of mortgage.

as to deprive any creditor of any lien which he may already have on the property of said estate: *Provided further*, That the said Bank shall not release any security which it may now hold for the payment of said debts.

Privilege ex-
panded

Sec. 2. *And be it further enacted*, That if the said note, given by the said William Seawell, Thomas Kenan and Eliza Kenan, to extend or settle the Bank indebtedness of the said Michael J. Kenan, deceased, should be different in date, amount or description, from the one recited in the first section of this act; the said Executrix shall nevertheless have the power to execute the mortgage aforesaid, to secure whatever note was given by the parties aforesaid, in extension or settlement of the indebtedness of the said Michael J. Kenan, to said Bank.

Approved, January 17, 1844.

[No. 182.]

AN ACT

In relation to the rescission of a certain contract of purchase of a part of the Sixteenth Section, in Township eleven, Range six.

Contract may
be rescinded
upon condi-
tion.

Proviso.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the assent of two-thirds of all the qualified voters of said Township being first had and obtained, together with the assent of the makers of the notes given for the purchase money thereof, or their legal representatives, the Commissioners of said Township be, and they are hereby authorized to rescind the contract of sale of that portion of the aforesaid Sixteenth Section heretofore made to one Archibald K. Smith, now deceased, and Alexander McLeod, of said County: *Provided*, The legal representatives of the said Archibald K. Smith, late of said County, deceased, and the said Alexander McLeod, assent to the same: *And provided further*, That the said Commissioners shall have obtained the consent of two-thirds of all the qualified voters aforesaid, before they proceed to rescind said contract; and the State Bank at Tuscaloosa is hereby authorized and required to deliver up to the legal representatives of said Smith and the said McLeod, the notes given for the purchase money of said portion of said Sixteenth Section, upon the presentation of the certificate of said Commissioners, properly authenticated, setting forth that two-thirds of all the qualified voters of said Township have assented to the rescission of the contract above stated; and that the legal representatives of the said Smith and the said McLeod have agreed thereto, and that they have surrendered said land to the said Commissioners.

Sec. 2. *And be it further enacted*, That Joseph Rivers, James Compton and Harvey C Braden, purchasers of parts of the Sixteenth Section, in Township eleven, in Range eleven, in said County, be, and they are hereby, each of them, authorized to rescind their contracts for the purchase of the same, in the same manner as is provided for by the foregoing provisions of this act, and upon the rescission of the contracts as aforesaid, the lands by them purchased shall reinvest in the inhabitants of said Township, in the same manner as though the same had never been sold.

J. Rivers and others may rescind.

Approved, January 17, 1844.

[No. 183.]

AN ACT

To form a New Beat in Franklin County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That a new beat may be formed out of parts of the ninth and thirty-seventh Regiments, of the following bounds, to wit: beginning at the bridge on Cedar creek, where the Aberdeen road crosses said creek, running thence down said creek to the mouth of Little Rock creek, thence due north to the dividing ridge between Big Rock creek and Buzzard Roost creek, thence eastwardly along said ridge to the Aberdeen road, thence southwardly along said road to the bridge on said creek.

Bounds of Beat.

Sec. 2. *And be it further enacted*, That Peter Taylor, Partain Burgess, and Pleasant Taylor, be, and they are hereby authorized to hold an election at the house of Pleasant Taylor, after giving twenty days notice, by advertisement at least three places in the said bounds above set out, for the purpose of electing a Captain, a first and second Lieutenants, to command such company.

How organized.

Sec. 3. *And be it further enacted*, That when such election shall have been made, the said Peter Taylor, Partain Burgess, and Pleasant Taylor shall report such election to the Colonel Commandant of the ninth Regiment, whose duty it shall be to return said election certified to the Executive of the State for commission.

Return of election.

Sec. 4. *And be it further enacted*, That said beat when thus organized shall be attached to the ninth Regiment, and shall be entitled to all the privileges, and subject to all the orders and laws governing the militia of this State: *Provided*, That nothing contained in this act shall be so construed as to permit any company now organized to be reduced below the numbered now fixed by law.

Beat attached to 9th regiment.

Approved, 17th January, 1844.

[No. 184.]

AN ACT

To authorize the rescission of a certain contract therein named and for other purposes.

Preamble.

WHEREAS, the Commissioners of the Sixteenth Section, Township twenty-two, Range one, west, in the county of Greene, did, upon the twenty fifth day of October, one thousand eight hundred and thirty-four, sell to one William Brantly, the north-east quarter of the north-east quarter; also, the north-west quarter of the north east, and also, the east half of the north-west quarter of said section; to secure the purchase money of which several tracts of land, the said William Brantly, executed his several promissory notes as the law directs, and obtained proper certificates of the purchase of the said parcels of land. And whereas, the said William Brantly afterwards becoming insolvent, and unable to pay the purchase money for said lands, transferred the certificate of purchase to one Robert Morrow, who has since that time, paid about one-half the amount of the purchase money, but has lately become unable to make further payment, and is now desirous that said contract be rescinded: Therefore,

Conditions
upon which
contract may
be rescinded

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the assent of two-thirds of the qualified voters of said township being first obtained, with the assent of the said Robert Morrow, the legal assignee of the certificates of purchase, the Commissioners thereof, be, and they are hereby authorized to rescind said contract, and the State Bank is hereby authorized and required to cancel and deliver up to the said Robert Morrow, all notes or other securities given for the parcels of land aforesaid, upon the presentation of the certificate of said Commissioners properly authenticated, stating that two-thirds of the qualified voters of said township have assented to the rescinding of said contract as above stated, and that the said Robert Morrow has relinquished said lands to the township; and upon such rescission being effected as aforesaid, said lands shall revert in the inhabitants of the township, as though no such sale had ever been made: *Provided,* That no part of the purchase money already paid by the said Robert Morrow shall be refunded.

Duty of Commissioners of
16th Section
in Pickens
county.

Sec. 2. *And be it further enacted,* That when any Commissioner or Commissioners of a sixteenth section, in the county of Pickens, shall have drawn from Bank, or otherwise received any funds belonging to their respective township, and have failed or refused, or shall hereafter fail or refuse to pay

over the same as directed by law, with the legal interest thereon, from the time the same was received, on motion of any legal voter of the township, where the funds have, or may hereafter be withheld, in the regular Orphans' Court, it shall be the duty of the Judge to issue a citation forthwith, requiring said Commissioner or Commissioners to appear instanter, and show cause why judgment should not be entered against him or them and their securities for said default.

Sec. 3. *And be it further enacted*, That upon the return of said citation, the Judge of said court shall proceed to hear and determine the same, and give judgment as the equity of the case may appear. Judge shall hear and determine.

Sec. 4. *And be it further enacted*. That should the Judge be of opinion that the Commissioner or Commissioners have failed or refused to comply with the law, he shall proceed to give judgment against the same, his or their securities, with twenty per cent. as damages: *Provided*, Either party shall have the right to appeal to the Circuit Court, in accordance with the law now regulating appeals. May give judgment.

Approved, 17th January, 1844.

[No. 185.]

AN ACT

To change in part the line between the Thirty-fifth and Eighty-third Regiments Alabama Militia, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the Regimental line between the thirty-fifth and eighty-third Regiments, Alabama Militia, in the county of Marshall, be so altered as to include the part of territory north-east of Short creek, commencing at the mouth of the Hurricane Hollow, running with the said Hollow to the Widow Hayney's, thence east to the top of the mountain, thence on the brink of the mountain to Town creek, thence with said creek to the county line of Marshall and De Kalb. Line changed

Sec. 2. *And be it further enacted*, That the Commanding Officer of the eighty-third Regiment of Alabama Militia shall forthwith proceed to organize the territory contemplated in the first section of this act, to be attached to said Regiment, and lay it off into suitable beats, with permission to establish one beat embracing the same, with a less number of privates than now required by law, any law to the contrary notwithstanding. Duty of Commanding officer of 83d Regiment.

Approved, 17th January, 1844.

[No. 186.]

AN ACT

To divorce Wiley Pearce from his wife Sarah Pearce.

Pearce from
Pearce.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That pursuant to the decree of the Chancery Court in and for the twelfth district, at the December term of said court, one thousand eight hundred and forty-three, the bonds of matrimony heretofore solemnized between Wiley Pearce and Sarah Pearce, his wife, be, and the same are hereby dissolved, and that said Wiley Pearce be, and he is hereby divorced from his said wife, Sarah Pearce.

Approved, 15th January, 1844.

[No. 187.]

AN ACT

In relation to the Fees of certain Officers in Baldwin County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage this act, the Clerks of the several courts, Judge of the county court and Sheriff of Baldwin county, shall be entitled to the same fees now allowed to the same officers in other counties in this State, and no more.

Approved, 15th January, 1844.

[No. 188.]

AN ACT

For the relief of the Representatives of Robert Williamson, deceased.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the representatives of Robert Williamson, deceased, late of the county of Mobile, be, and they are hereby authorized to take out letters testamentary, or of administration, in the county of Wilcox, instead of the county of Mobile; subject to the laws now in force: *Provided,* That the said representatives shall be liable to be sued in the courts of Mobile county by the creditors of said estate.

Approved, 16th January, 1844.

[No. 189.]

AN ACT

To incorporate La Fayette, in Chambers County.

Section. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Town of La Fayette, in the county of Chambers, be, and the same is hereby incorporated; and there shall be elected on the first Monday in March next, an Intendant and five Councilmen, for the said town; and on the first Monday in March, in each succeeding year. Incorporated

Sec. 2. *And be it further enacted,* That the name and style of said incorporation, shall be, The Intendant and Councilmen of the Town of La Fayette; and by that name they may sue and be sued, plead and be impleaded, take and hold property, real and personal, and the same sell and dispose of, in such manner as may be most beneficial to said town, and not inconsistent with the laws of the State. Name and
and style.

Sec. 2. *And be it further enacted,* That Matthew Phillips, John C. Torris, and John Appleby, be, and they are authorized to hold an election on the first Monday in March, for Intendant and five Councilmen, for said Town of La Fayette; at which election, and all subsequent elections, every person entitled to vote for members of the General Assembly of the State, who have resided in said town one month previous to the election, shall be entitled to vote for Intendant and Councilmen; and in case the three persons herein named, or either of them, fail or refuse to hold said election, then, and in that case, any three citizens of said town may hold the election; and at all subsequent elections, any three citizens may act as managers. Elections—
how conduct.
ed.

Sec. 4. *And be it further enacted,* That should any vacancy occur in said board of officers, by resignation or otherwise, it shall be the duty of the board to fill said vacancy, until the next annual election thereafter; and all annual elections shall be held by the Intendant and Council last in office, or a majority of them. Vacancies

Sec. 5. *And be it further enacted,* That the limits of the corporation aforesaid, shall extend to the distance of one mile in every direction from the court house in said town; and the Intendant and Council of said town, shall exercise jurisdiction within the limits specified. Limits of the
corporation.

Sec. 6. *And be it further enacted,* That the Intendant and Council, or a majority of them, are vested with full power to keep open the streets and alleys of said town, to preserve the peace and good order of the same, to suppress affrays, to fine for assaults and batteries, and the same to collect; to keep the streets in repair, and to pass all by-laws for carrying the powers herein mentioned into effect, and all pow- Powers of
corporation.

ers necessary for the government of said town, and not inconsistent with the laws of the State.

May levy tax. Sec. 7. *And be it further enacted*, That said Intendant and Council shall have power to levy a tax on the inhabitants and property of the said town; to raise money for the government and management of said corporation.

Officers of corporation, election of, and duty. Sec. 8. *And be it further enacted*, That the said Intendant and Council shall, on the day succeeding the day of their election, select by ballot, a Clerk and Marshal for said town; and it shall be the duty of the Clerk to issue all executions for fines and taxes that may be necessary, which he shall sign and deliver to the Marshal, whose duty it shall be to levy and collect the same, and pay over the money so collected to the Treasurer, who shall likewise be elected by the Intendant and Council, at the time of electing the Clerk and Marshal.

Powers of corporation. Sec. 9. *And be it further enacted*, That the Intendant and Council shall have power to remove from office, the Clerk and Marshal, or Treasurer, at pleasure, and appoint others at any time, in their place; and shall prescribe and fix the compensation to be allowed to each of said persons, and shall take bond and security from each, for the faithful discharge of the duties of his office, if they deem it proper so to do.

Sec. 10. *And be it further enacted*, That all laws militating against this act, be, and the same are hereby repealed.

Approved, 16th January, 1844.

[No. 190]

AN ACT

To incorporate a Company for the purpose of manufacturing
Woolen and Cotton Goods.

Incorporation Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Edward Bowen, John Carter, James M. Calhoun, Thomas H. Walls, and Oliver Carter, together with their associates, and such other persons as may hereafter be associated with them, be, and they are hereby made and constituted a body corporate, in fact and in name, under the style and title of the "Pine Barren Manufacturing Company, Butler county;" and by that Name and style. name shall be, and are hereby made able and capable in law, to have, purchase, receive, possess, enjoy and realise to them and their successors, lands, rents, tenements, hereditaments, Powers, &c. goods, chattles and effects, of whatsoever kind, nature or quality, in any amount, in the whole not to exceed one hundred thousand dollars, including the capital stock of said company; and the same to sell, grant, demise, alien, and dispose

of; to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts having competent jurisdiction; to make, use, and have a common seal, and the same to break, alter, and renew at pleasure.

Sec. 2. *And be it further enacted*, That said body corporate, shall have power to prescribe the number of shares into which the capital stock of said corporation shall be divided, the mode in which it shall be taken and paid, and transferred, and also to prescribe the mode by which stockholders may vote, and the number of votes to which each shall be entitled: *Provided*, Nevertheless, the rule adopted shall be uniform, equally securing the rights of each stockholder; and also, to provide, by ballot, for the election of such officers as may be deemed necessary for the government and good management of the affairs of said corporation; and also, to ordain, establish, and put in execution, such by-laws, ordinances, and resolutions, as they shall deem necessary and expedient for the government of said corporation, not being inconsistent with the Constitution of the State of Alabama, or of the United States; and in general to do and execute, all and singular, the acts, matters and things, which to them, it shall or may appertain to do, subject nevertheless, to such restrictions as may hereafter be imposed by the Legislature, not inconsistent with the object for which this act of incorporation was granted: *Provided*, That nothing herein contained, shall be so construed, as to confer banking privileges on said corporation.

Sec. 3. *And be it further enacted*, That this act shall be in force for the term of thirty years, from and after the date of its passage.

Approved, 16th January, 1844.

[No. 191.]

AN ACT

To change the times of holding the County Court of Lowndes County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That hereafter the terms of the County Court of Lowndes county, shall be held on the first Mondays of June and December, instead of the times now prescribed by law: *Provided*, That all process heretofore issued, or which may hereafter issue, and made returnable to the former terms of said court, shall be returnable to the terms as in this act expressed.

Approved, January 16, 1844.

[No. 192.]

AN ACT

To incorporate the Town of Pickensville, in the County of Pickens.

Limits of
Incorporation

Section. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That all that tract of land lying in the county aforesaid, included in the following limits, viz: one quarter of a mile east, one quarter of a mile west, one quarter north, and one quarter of a mile south, from the centre of Broad street, and at the point where said street is intersected by Main street, in said Town of Pickensville, be, and the same is hereby incorporated, under the corporation of the Town of Pickensville.

Election to be
held, and
how conduct-
ed.

Sec. 2. *And be it further enacted,* That on the first Monday in February next, and annually thereafter, between the hours of ten in the forenoon, and three in the afternoon, an election by ballot, shall be held for five Councillors at some convenient place in said town, and all white male persons of the age of eighteen and upwards, who shall be land holders, or freeholders, within the same, or shall have resided therein for the space of six months next preceding such election, shall be entitled to vote for said Councillors, and when the election shall be closed, the managers thereof shall proclaim the result, and give notice to the persons elected, who shall on the following day, proceed to elect by ballot from their own body, a Mayor, whose duty it shall be to preside over and preserve order at all meetings of the Council; and the persons elected Councillors as aforesaid, shall continue in office until their successors are duly qualified: *Provided,* That if the first or any subsequent election shall, from any cause, fail to be held, it shall be the duty of the managers of the first election, and at each succeeding election, it shall be the duty of the Mayor, or managers, to cause an election to be held at any time, not exceeding one month after the first of February, notice having been given of the time and place of holding such election, in the manner and form set forth in the following section.

Proviso.

Notice to be
given.

Sec. 3. *And be it further enacted,* That the first election shall be held and conducted by John T. McCune, John Wightman, John E. Brown, G. W. Meek, and R. O. Maupin, or any three of them, who shall give ten days previous notice of the time and place of holding such election, by advertisement in three or more public places in said town, and all future elections shall be managed by such persons, not exceeding three, as the Mayor and Council shall appoint, who shall give the like notice of the time and place of holding the same; and the Mayor and Council respectively, before entering on the duties of their office, shall take and subscribe to the following

oath, before some Justice of the Peace of Pickens county:—I, Oath of office
 A. B., do solemnly swear that I will impartially perform the
 duties required of me, by the act incorporating the Town of
 Pickensville, to the best of my ability. So held me God.

Sec. 4. *And be it further enacted*, That the Mayor and
 Town Council are hereby declared to be a body corporate by Powers of
 the name of the Town Council of Pickensville, and by that Council.
 name they and their successors in office shall be capable of
 suing and being sued, pleading and being impleaded, in all
 manner of suits, either in law or equity, to have a common
 seal, and the same to alter at pleasure, and may purchase, have,
 hold, possess, receive, enjoy, and retain in perpetuity, or for
 any term of years, any estate, real or personal, not exceeding
 in value ten thousand dollars, and may sell or release the
 same.

Sec. 5. *And be it further enacted*, That in case of the death
 or removal of any one or more of the Council, or from a va- Vacancies.
 cancy in said office, happening in any other way, that then and
 in that case, it shall be the duty of the Mayor to appoint man-
 agers to hold an election to fill such vacancy or vacancies, who
 shall, after giving five days notice of the time and place of such
 election, proceed to open the polls, at ten o'clock, A. M., and
 after counting the votes, declare the state of the polls to the
 Mayor, whose duty it shall be to make known, to the success-
 ful candidate, his election.

Sec. 6. *And be it further enacted*, That the Council shall
 have power to pass all such orders, laws, and ordinances, re- Powers of
 specting the streets, markets, buildings, pleasure carriages, Council.
 wagons, carts, drays and police of said town as shall, by them,
 be deemed necessary, for the security and welfare of the inhab-
 itants of said town, and for the preserving the peace, health,
 and order within the same, and to assess a tax on the inhabi- Levy taxes.
 tants thereof, as follows: on all slaves over sixteen and under
 fifty years of age, not exceeding one dollar per head; on the
 appraised value of all real estate, not exceeding one-eighth per
 cent.; and on all merchandise sold in said town, not exceeding
 one-eighth per cent; they shall have power to prevent and re-
 move nuisances, to appoint patrol detachments, and define their Fines
 duties, to affix fines for violations of their by-laws and ordi-
 nances, not exceeding fifty dollars for each offence, to be recov-
 ered before the Mayor for the use of the town. to assess a tax,
 or license to retail spirituous liquors, and on all billiard tables
 kept for use in said town, not exceeding, on the former, the
 sum of ten dollars, for each year; they shall have power to
 elect a Clerk, and Treasurer, Assessor, Collector, and Constable Elect officers.
 for said town: *Provided*, The offices of clerk, assessor, and
 constable, may be performed by the same person, to affix the Proviso.
 salaries of Mayor and other officers under said corporation:

Provided, That the Councilmen shall have no compensation for their services as such, to define the duties of their office, to confine any person or persons for six hours, for violation of the ordinances of this corporation.

Commission-
ers to ap-
praise proper-
ty, &c.

Proviso.

Sec. 7. *And be it further enacted*, That it shall be the duty of the Mayor and Councilmen annually, within one month of their election, to appoint five Commissioners, any three of whom may act, whose duty it shall be, within one month after being notified of their appointment, which notice shall be in writing, and served by the constable, to appraise at a fair and impartial valuation, all the real property of said town, and return of the same make to the Mayor, from which appraisement there shall be no appeal: *Provided*, That if the said Commissioners shall, within one month after being notified as aforesaid, they or either of them failing or refusing to act, shall forfeit the sum of ten dollars to the town, to be recovered before the Mayor: *Provided however*, That any good and sufficient excuse be heard by the Mayor and Council, and the said Commissioners so appointed as aforesaid, shall, before entering on the duties of their office, take an oath, to be administered by the Mayor, faithfully and impartially to perform the duties of the same.

Constable to
collect taxes.

Proviso.

Sec. 8. *And be it further enacted*, That whenever any tax shall have been assessed by the Mayor and Council aforesaid, and a return of the appraisement as aforesaid, shall have been made to the Mayor, it shall be his duty immediately to cause to be made out a list of persons taxed, together with the amount of the tax imposed on such person set down opposite to his or her name, which shall be given to the constable, who shall make collection if possible, and make return of the said list to the Mayor within thirty days after receiving the same, with the words satisfied or not satisfied, as the case may be, written opposite the name of each individual; and the Mayor shall immediately issue his execution against all persons, as to whom the said list shall have been returned, not satisfied; commanding the constable to levy on the goods and chattels, lands and tenements, of the persons so defaulting; which execution shall be levied as executions in other cases, directed to the constable of beats, and the property so levied on, shall be sold after the notice now required by law on similar property, shall be given: *Provided*, That if owners of lots in said town be unknown, such lots belonging to unknown owners, shall be sold for taxes by the number of the lots: *Provided*, That real estate may be sold under the Mayor's execution, without an order from the Circuit Court.

Sec. 9. *And be it further enacted*, That the Mayor shall have full power to issue process under his hand and seal, directed to the Town Constable, to bring before him any person or

persons charged of any infraction of the laws or ordinances of said corporation, passed in pursuance to the powers vested by this act, and to hear and determine the same, and to issue all other process necessary to a fair and impartial trial; and also, to issue executions on every judgment, which by said Mayor may be given and adjudged in accordance with the laws of said corporation: *Provided*, That appeals may be had from the decisions of said Mayor to the county court of Pickens county, and under like restrictions, as appeals from the decisions of Justices of the Peace.

Mayor to issue process.

Sec. 10. *And be it further enacted*, That if the Mayor or any member of the Council shall be guilty of any willful neglect of duty, or mal-practice in office, he shall forfeit and pay a sum not exceeding five dollars for every such willful neglect or mal-practice, to be recovered before the Mayor for the use of said corporation, in any court having jurisdiction thereof, which fine shall be paid by the officer collecting the same, into the hands of the Mayor: *Provided*, Said Mayor shall not have been the party proceeded against, in which case it shall be the duty of the Councillors to depute some discreet person to receive the same, whose duty it shall be to pay the same to the Treasurer of the Town.

Mal-practice in office.

Sec. 11. *And be it further enacted*, That all persons who reside within the corporate limits of said town, so long as the streets are kept in good order, shall be exempt from working on any road, or highway, beyond the limits of said town.

Exempt from working on roads.

Approved, 16th January, 1844.

[No. 193.]

AN ACT

To authorize Richard Prince to erect a Gate on the public road in Greene County, near Jones' Bluff

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, it shall and may be lawful for Richard Prince, of the county of Sumter, to erect a gate across the public road in the county of Greene, near Jones' Bluff: *Provided*, That said gate be of sufficient width, and so constructed as not to interfere with public convenience: *Provided*, That the Judge of the county court and Commissioners of roads and revenue of the county of Greene, may at any time, order the said gate to be taken down.

May erect a Toll Gate.

Approved, January 15, 1844.

[No. 194.]

AN ACT

To authorize the investment of the United States Treasury Notes, being a portion of the Two per cent. Fund, in United States Stock.

Treasury
Notes to be
invested in U.
S. stock.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Cashier of the Bank of the State Alabama, be, and he is hereby authorized and required to invest the United States Treasury Notes, being the first instalment of the two per cent. Fund, now invested in the Treasury Notes of the United States, under the authority of Joint Resolutions of the Legislature of this State, approved the tenth of February, eighteen hundred and forty-three, in the United States five per cent. stock.

How disposed
of.

Sec. 2. *And be it further enacted,* That the United States Stock, provided to be purchased in the first section of this act, be held subject to the provisions of an act entitled an act to amend an act to authorize the loan of a portion of the two per cent. fund to the Montgomery and West Point Rail Road Company; and that the same shall be transferred, and paid over to the Montgomery and West Point Rail Road Company, and to the Tennessee and Coosa Rail Road Company, in such amounts as it may be applied for, in accordance with the provisions of said act.

Approved, 16th January, 1844.

[No. 195.]

AN ACT

To change the times of holding certain Courts therein named.

33d Chancery
District

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, the Chancery Court for the thirty-third Chancery district in the Northern division of said State, shall commence and be holden on the second Monday after the fourth Monday in May:

Blount.

For the county of Blount, at Blountsville, said Chancery Court shall commence and be holden on the first Friday after the second Monday after the fourth Monday in May:

35th

Said Chancery Court for the thirty-fifth district, composed of the county of Marshall, shall commence and be holden on the third Monday after the fourth Monday in May:

36th

Said Chancery Court for the thirty-sixth district, at Bellefonte, shall commence and be holden on the first Thursday after the third Monday after the fourth Monday in May:

Said Chancery Court for the county of De Kalb, shall commence and be holden on the fourth Monday after the fourth Monday in May: De Kalb

And, said Chancery Court for the thirty-eighth district, for the county of Cherokee, on the first Thursday after the fourth Monday after the fourth Monday in May. 38th

Sec. 2. *And be it further enacted*, That all process heretofore issued, or which may hereafter issue, made returnable to any of the above mentioned courts, as established before the passage of this act, shall be deemed and held returnable to the courts, as fixed in the first section of this act, and shall be as valid to all intents and purposes, as if the times of holding said courts had not been altered by this act. Process legalized.

Sec. 3. *And be it further enacted*, That so much of an act passed and approved in the year one thousand eight hundred and forty-one, as makes St. Clair county a portion of the thirty-fourth Chancery district, in the northern division of the State of Alabama, be, and the same is hereby repealed. Repeal part of act of 1841

Sec. 4. *And be it further enacted*, That the county of St. Clair shall, from and after the passage of this act, constitute a Chancery district in said northern division, to be numbered the forty-first district. St. Clair
41st District

Sec. 5. *And be it further enacted*, That there shall be held in said forty-first district, at Ashville, in said county of St. Clair, one Chancery Court in each and every year, by the Chancellor of the northern division. When held.

Sec. 6. *And be it further enacted*, That said Chancellor shall appoint a register for said forty-first district, whose duty it shall be to perform all the duties pertaining to the office of register and master in chancery, for the court at which he may be so appointed; said register shall hold his office for the term of four years, and shall keep his office at the place of holding said court hereby established; said register shall give bond and qualify in the same manner that other registers by existing laws, are required to do. Register to be appointed.

Sec. 7. *And be it further enacted*, That all causes now pending in the chancery court for the thirtieth district in the northern division, shall on the application of either complainant or defendant, be transferred to the forty-first chancery district by this act established, and such transfer, when made, shall be by a motion to the court, and entered on the minutes, and it shall therefore, be the duty of the register of said thirty-fourth district immediately thereafter, to deliver to the register of the forty-first district, the original papers in such suit, together with a transcript of all entries, orders, and decrees made in such cause in the court for the thirty-fourth district, all of which shall certified by the register delivering the same. Causes to be transferred.

Court, when
held.

Sec. 8. *And be it further enacted*, That said Chancery Court for the forty-first district, shall commence and be holden on the first Monday after the fourth Monday in May, in each and every year.

Approved, January 17, 1844.

[No. 196.]

AN ACT

For the relief of Mary M. Wilder.

Authorized to
trade, &c.

Provisos.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That Mary M. Wilder, be, and she is hereby authorized and empowered to trade and exercise all the rights and immunities of a *feme sole*, and for that purpose she shall be, and is hereby invested with full power to buy, sell, hold, and receive property, separate and distinct from that of her husband, William Wilder; and that the same shall not be made liable for any of the debts or contracts of her husband: *Provided*, That the provisions of this act shall only apply to such property as may be hereafter acquired by the said Mary M. Wilder, and only to contracts made subsequent to the passage of this act: *Provided*, That the provisions of this act shall be confined to the property exclusively by the said Mary M. Wilder's own efforts, and such as she may inherit, in her own right, and shall in no case, prejudice the rights of existing creditors, as to property she has, or may have in right of her husband.

Approved, 17th January, 1844.

[No 197.]

AN ACT

To repeal the law incorporating the Town of Clayton, Barbour County.

Repeal.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, that an act incorporating the Town of Clayton, in the County of Barbour, approved December twenty-first, eighteen hundred and forty-one, be, and the same is hereby repealed.

Approved, January 15, 1844.

[No. 198.]

AN ACT

To authorize Elias Persinger and his associates, to construct a Wharf on the Black Warrior River, in the Town of North Port.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Elias Persinger and his associates, be, and they are hereby authorized to erect a Wharf on the Black Warrior River in the town of North Port, in the county of Tuscaloosa, May erect wharf. and that they shall be authorized to collect, demand, and receive of and from the owners or consigners of all goods, which shall be landed from the Black Warrior river within the space lying between a point on the shore of said river, one hundred feet below the North Port Ware-house, and another point on said shore two hundred feet above said Ware-house, and from the owners or Captains of Steamboats, barges, flats, or rafts, which shall lay at said Wharf as they may appoint or direct, not exceeding the following rates, to wit: for each bale of cotton, three cents; each bushel of grain, or salt, one and a half cents; each barrel, four cents; each hogshead or pipe, fifteen cents; each thousand feet of lumber, sixty cents; all boxes, packages, and merchandise, usually charged by measurement, at the rate of one cent per foot; and for all steamboats, barges, flats, or rafts, to demand, receive and collect, a sum not exceeding one dollar and fifty cents per day, for each day they may remain at said Wharf: *Provided,* Ratee of wharfage. That nothing in this act shall be so construed as to prevent the Legislature from altering and amending the above rate of wharfage, upon the petition of one hundred or more persons resident in the county of Tuscaloosa, notice of such petition having been served upon said Elias Persinger and his associates, twenty days before the same shall be presented to the General Assembly. Proviso.

Approved, January 17, 1844.

[No. 199.]

AN ACT

To alter the mode selecting Grand Jurors for the Counties of Dallas, Tallapoosa, Tuscaloosa, and Barbour.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it shall be the duty of the Clerk of the Circuit Court, and Sheriffs of the counties of Dallas, Tallapoosa, Tuscaloosa, and Barbour, under the superintendence and inspection of the Judge of the county court of said county to select from the whole number of

Grand Jurors, how drawn and selected.

persons in said county, qualified to serve as jurors, twenty-four persons best qualified, in their opinion, to serve on the Grand Jury for each and every term of the Circuit Court for said counties; which persons, selected as aforesaid, shall be summoned by the Sheriff to serve as Grand Jurors, at least thirty days before the sitting of said courts, and such Jurors for failing or refusing to attend and serve, shall be liable to the penalties now provided by law.

Repeal.

Sec. 2. *And be it further enacted*, That all laws and parts of laws contravening the provisions of this act, so far as regards the counties above named, be, and the same are hereby repealed.

Approved, 17th January, 1844.

[No. 200]

AN ACT

To change the time of holding the Fall Term of Montgomery Circuit Court.

When held.

Section. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Circuit Court of Montgomery, for the Fall Term, shall hereafter be held on the sixth Monday after the fourth Monday in September, in each year, and may sit four weeks.

Approved, January 17, 1844.

[No. 201]

AN ACT

To authorize the Bank to sell a certain tract of land therein mentioned.

Land to be offered for sale.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Branch of the Bank of the State of Alabama, at Decatur, is hereby authorized and required, upon giving the notice now required by law in sales of other real estate belonging to said Bank, to offer for sale, to the highest bidder, at public outcry, the south-east quarter of Section three, in Township nine, of Range seven, it being the same tract lately purchased by said Bank, as the property of Simpson C. Newman, in the County of De Kalb.

Sec. 2. *And be it further enacted*, That said tract of land shall be sold in such lots as may be laid out by said Newman, upon the same terms and conditions as other lands belonging to said Bank, are directed to be sold by the provisions of an act entitled

an act to regulate the Branch of the Bank of the State of Alabama, at Decatur, and the proceeds of said sale, after deducting the necessary expenses of the same, shall be applied to the payment of the debt due from said Newman to said Bank, and upon said sale, said Bank shall give only a quit claim title. Sale, how conducted.

Approved, January 17, 1844.

[No. 202.]

AN ACT

To authorize the Commissioners' Courts of Roads and Revenue in the Counties of Barbour and Benton, to lay additional taxes, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That it shall and may be lawful for the Commissioners' Court of Roads and Revenue, in the counties of Barbour and Benton, to lay such additional taxes for County purposes, as said Courts may find it indispensably necessary to sustain its plighted faith and honor, and to pay off its indebtedness in three years, so that the additional taxes hereby authorized to be levied, shall not exceed one hundred per cent. on the present tax in any one year, to be assessed and collected as other taxes are or may be assessed and collected. Authorized to levy tax.

Sec. 2. *And be it further enacted*, That the Commissioners' Court of Roads and Revenue in the County of Benton, in levying a tax for County purposes, shall be limited to, and shall not exceed the sum of fifty per cent. on the State tax. Not to exceed 50 pr cent on State tax.

Sec. 3. *And be it further enacted*, That all laws, and parts of laws, contravening the provisions of this act, be, and the same are hereby repealed. Repeal.

Approved, January 17, 1844.

[No. 203.]

AN ACT

To provide more permanently for the payment of Jurors of Lowndes County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That it shall be the duty of the Judge of the County Court and Commissioners of Roads and Revenue, of Lowndes County, at the first term of their Court, in each and every year, to set apart a sum of money sufficient to pay the claims of all Fund to be set apart to pay jurors.

the Jurors that may serve in the Circuit and County Court of said County; which said sum shall be kept by the County Treasurer expressly for said purpose, in the same way that the poor fund is now provided by law to be kept.

Treasurer to
pay tickets.

Sec. 2. *And be it further enacted*, That it shall be the duty of the County Treasurer of said County, to pay, on the presentment of all the jury tickets in said County, the full amount of each and every one of said tickets out of said fund.

Sec. 3. *And be it further enacted*, That all laws, and parts of laws, contravening this act, be, and the same are hereby repealed.

Approved, January 17, 1844.

[No. 204.]

AN ACT

To change the times of holding the Circuit Courts of the second Judicial Circuit.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the several Courts of the second Judicial Circuit of the State of Alabama, shall hereafter be held as follows, to wit:

Covington For the County of Covington, on the third Mondays in March and September, in each and every year, and continue in session one week.

Conecuh In the County of Conecuh, on the fourth Mondays in March and September, in each and every year, and continue in session one week.

Butler In the County of Butler, on the first Monday after the fourth Mondays in March and September, in each and every year, and may continue in session two week.

Lowndes For the County of Lowndes, on the third Mondays after the fourth Mondays in March and September of each and every year, and may continue in session two weeks.

Dallas For the County of Dallas, on the fifth Mondays after the fourth Mondays in March and September, and may continue in session four weeks; and Jurors shall be drawn and summoned, as by law now required, twenty-four for the first week of said Court.

Wilcox For the County of Wilcox, on the ninth Mondays after the fourth Mondays in March and September, of each and every year, and may continue in session until the business is disposed of.

Process legal ized. Sec. 2. *And be it further enacted*, That all recognizances, writs and process returnable to said Courts, as now required to be holden, shall be returnable to the terms of said Courts, to be holden as in this act expressed.

Sec. 3. *And be it further enacted*, That in case a Jury should not be drawn and summoned as required by existing laws, for the fourth week of the Dallas Court, it shall be lawful for the Judge presiding at said Court, at any time during the term, to cause a Jury to be drawn under his direction, for the fourth week of said Court, and summoned forthwith.

Approved, January 17, 1844.

[No. 205.]

AN ACT

To incorporate the Enon Male and Female Academies, in the County of Macon.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That William Cox, William E. DuBose, Milton J. Tarver, William Morton, Jabez B. Banks, Nathaniel C. Alston, Wesley E. Tarver, Thomas Gardner and Samuel Morton, and their successors in office, be, and they are hereby created a body corporate, by the name and style of the President and Trustees of the Enon Male and Female Academies, and by that name shall have power to receive donations, borrow money, purchase, have and hold real estate, not to exceed the sum of ten thousand dollars, to be held by them for the purpose of education, to sue and be sued, to plead and be impleaded, and to recover all debts that may become due, owing or belonging to said institution, as the property thereof.

Sec. 2. *And be it further enacted*, That the above named Trustees shall have power to appoint a President, Secretary, Treasurer, and such other officers as they may think necessary or expedient to advance the interest of said institution, and to prescribe the duties of each, to grant such rewards, or to confer such honors on graduates, as to them may seem right and expedient.

Sec. 3. *And be it further enacted*, That all vacancies that may occur in the Board of Trustees, by death, resignation or otherwise, shall be filled by the members of said Board.

Sec. 4. *And be it further enacted*, That no person shall be permitted to retail spirituous liquors, (except for medicinal purposes,) within one mile of said institution; and in violation of this act, shall be rendered liable to all the fines and penalties now prescribed by law for the protection of worshipping assemblies.

Approved, January 17, 1844.

[No. 206.]

AN ACT

For the relief of John M. Bloodworth, late Tax Collector in the County of Barbour.

Duty of County Court.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Commissioners Court of Roads and Revenue for the County of Barbour, be, and they are hereby authorized and empowered to make the said John M. Bloodworth, late Tax Collector, such allowance for insolvencies as may be shown to be equitable and just, and such as he would have been entitled to, had he made application in time, as prescribed by law.

Proviso.

Sec. 2. *And be it further enacted,* That provided the said John M. Bloodworth shall have paid into the County Treasury the amount of insolvent and bad debts not collected by him, be refunded to him out of any funds in the County Treasury not otherwise appropriated, on the requisition of the Commissioners' Court: *Provided, nevertheless,* That if any suit shall have been commenced against said Bloodworth for the recovery of the amount of taxes not collected by him by reason of insolvencies, shall first pay the costs of such suits.

Approved, January 17, 1844.

[No. 207.]

AN ACT

To assess and collect a County Tax for the Counties of Macon and Montgomery.

Tax, how assessed and collected.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, it shall be lawful for the Judge of the county court and Commissioners of Roads and Revenue for the county of Macon, to cause to be assessed and collected by the tax collector of said county such an amount of money as may be sufficient to meet and defray the current expenses of said county, which money when collected, shall be paid over to the county Treasurer of said county by the tax collector, and by him held subject to the drafts of the Judge and Commissioners, for county purposes.

Montgomery

Sec. 2. *And be it further enacted,* That the county court of roads and revenue for the county of Montgomery, be authorized to levy a tax, not exceeding per forty cent. on the State tax.

Sec. 3. *And be it further enacted,* That all laws and parts of laws contravening this act, be, and the same are hereby repealed.

Approved, 15th January, 1844.

[No. 208.]

AN ACT

To reduce the salary of the President, Directors, and other officers of the Bank of the State of Alabama, and its several Branches, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the number of Directors of the Bank of the State of Alabama, shall be reduced to four persons. No. of Directors of State B'k reduced.

Sec. 2. *And be it further enacted,* That the salary of the President of the Bank of the State of Alabama shall be seven hundred dollars per annum; the salary of the Cashier shall be fifteen hundred dollars per annum; and the salary of the two Clerks, shall be eight hundred dollars per annum, each. Salary of Officers.

Sec. 3. *And be it further enacted,* That the Directors of said Bank shall each be entitled to receive three dollars per day for their services: *Provided,* The sum allowed to any one Director shall not exceed seventy-five dollars per quarter, nor more than three hundred dollars per annum. Of Directors.
Proviso.

Sec. 4. *And be it further enacted,* That the office of Teller be, and the same is hereby abolished, in said Bank. Office of Teller abolished.

Sec. 5. *And be it further enacted,* That the number of Directors of the Branch Bank at Mobile shall be reduced to two persons, who shall be entitled to receive three dollars per day, each, for their services: *Provided,* The sum allowed to any one Director shall not exceed two hundred and twenty-five dollars per quarter, nor more than nine hundred dollars per annum. Br Bk Mobile
No. of Directors reduced.
Pay of Directors, &c.

Sec. 6. *And be it further enacted,* That the salary of the President shall be twelve hundred dollars per annum; the salary of the Cashier shall be fifteen hundred dollars per annum; and the salary of the Clerks shall be one thousand dollars, each, per annum. Salary of Officers.

Sec. 7. *And be it further enacted,* That the number of Directors of the several Branch Banks at Montgomery, Huntsville and Decatur, shall be reduced to two persons for each of said Branch Banks, who shall be entitled to receive three dollars each, per day, for their services: *Provided,* The sum allowed to any one Director shall not exceed seventy-five dollars per quarter, nor more than three hundred dollars per annum. No. of Directors of other Branch B'ks reduced, and pay of same.

Sec. 8. *And be it further enacted,* That the salary of the President of each of the Branch Banks mentioned in the seventh section of this act, shall be five hundred dollars, each, per annum; that the salary of the Cashier, and other officers of the said Branch Banks, shall be as follows, viz: The Cashiers shall each receive one thousand dollars per annum, and the Clerks shall each receive eight hundred dollars per annum, for their Salaries of the Presidents & Cashiers, &c.

services; except the Cashier of the Branch Bank at Montgomery, who shall be entitled to receive one thousand three hundred and fifty dollars, for his services.

When to take effect.

Sec. 9. *And be it further enacted*, That so much of this act as relates to the pay and salary of the several officers herein mentioned, shall not be in force or take effect until the first day of March, eighteen hundred and forty-four, and that all acts and parts of acts, contravening the provisions of this act, be, and the same are hereby repealed: *And provided*, That no officer of either of the Banks, hereafter to be elected, shall receive any other compensation than the pay allowed by the provisions of this act.

Proviso.

Title to real estate, &c.

Sec. 10. *And be it further enacted*, That upon the sale of any of the real or personal estate belonging to said Bank, or any of the Branch Banks, such title only shall be made to the purchaser, as said Bank or Branch Bank may have in and to the same.

Duty of Bank Attorneys.

Sec. 11. *And be it further enacted*, That it shall be the duty of the Bank Attorneys of the State Bank and the several Branch Banks thereof, to attend to the collection of all debts within the Counties wherein said Banks may respectively be located, whether the debt or debts be due to the Bank of which they are the attorney, or of another Bank belonging to the State of Alabama.

Other attorneys may be employed.

Sec. 12. *And be it further enacted*, That other attorneys may be employed to collect bad and doubtful debts in Counties wherein no Bank may be located; but in no event shall any money be paid for the collection of debts marked bad and doubtful, except out of the proceeds of the debts respectively collected, nor for securing a bad or doubtful debt, except half of the commissions hereinafter allowed for the collections of bad and doubtful debts: *Provided*, That if debts are marked bad or doubtful, and it shall afterwards appear that such debts were undoubtedly good when so marked and collected, the attorney collecting the same shall be entitled to not exceeding five per cent. commission on the same.

Proviso.

Compensation.

Sec. 13. *And be it further enacted*, That not more than five per cent. shall be allowed for collecting debts marked bad and doubtful, where the sum collected exceeds one thousand dollars; nor more than ten per cent. shall be allowed on sums less than one thousand dollars: *Provided*, That not more than one thousand dollars shall be allowed to any Bank Attorney for one year's services, including all his perquisites as such Bank Attorney; except to the Bank Attorney for the Branch of the State Bank of Alabama at Mobile, who shall receive not exceeding fifteen hundred dollars, including all perquisites and allowances whatever.

Proviso.

Sec. 14. *And be it further enacted*, That the President and Directors of the State Bank and several Branches shall have power to employ Attorneys out of the State, to collect debts due said Banks from persons living beyond the limits of this State, and allow such compensation as they think reasonable and just. Debts out of the State.

Approved, 16th January, 1844.

[No. 209.]

AN ACT

To incorporate the Town of Tompkinsville, in the County of Sumter.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Town of Tompkinsville, in the County of Sumter, be, and the same is hereby incorporated; and there shall be elected on the first Monday in May, one Intendant and four Councilmen, for said Town, and on the first Monday in May, annually thereafter, an election shall be held for said officers. Incorporated

Sec. 2. *And be it further enacted*, That the name and style of said corporation shall be, the Intendant and Councilmen of the Town of Tompkinsville, and by that name they may sue and be sued, plead and be impleaded, take and hold property, both real and personal, and the same sell and dispose of in such manner as may be most beneficial to said Town, and not inconsistent with the laws of the land. Name and style.

Sec. 3. *And be it further enacted*, That J. M. Reid, George Bullock, Samuel Redus, J. N. Rhodes, Isham Dickerson and Samuel Ives, be, and they are hereby authorized to hold an election in said Town, on the first Monday in May next, for an Intendant and four Councilmen, at which election, and every subsequent election, all persons shall vote who are qualified to vote for members of the General Assembly of this State; and in case the five persons herein named fail or refuse to hold said election, then any other five citizens of the Town may hold the same. Elections, when held, and how conducted.

Sec. 4. *And be it further enacted*, That should any vacancy occur in said Board of officers, by death, resignation or otherwise, it shall be the duty of the Board to fill said vacancy until the annual election thereafter; and all annual elections shall be held by the Intendant and Councilmen last in office, or a majority of them. Vacancies.

Sec. 5. *And be it further enacted*, That the boundaries of the incorporation aforesaid, shall be as follows, to wit:—Commencing at the fence of Simeon Tompkins' plantation, which runs parallel with the river, and running from thence west, so as Limits of Town.

to include the church lot, or public square, to the centre of the first branch near the Town, thence south one half mile, thence east to the river Tombeckbee, thence up said river to the line between said Tompkins and the heirs of Thomas Murphy, deceased, thence west to said Tompkins' line between Town lots, thence north on said line to the place of beginning; and that the Intendant of said Town and Councilmen shall exercise jurisdiction within the limits specified.

Powers, &c. Sec. 6. *And be it further enacted*, That the Intendant and Councilmen, or a majority of them, are hereby vested with full powers to keep open the streets and alleys of said Town, to preserve the peace and good order of the same, to suppress affrays, to fine for assault and battery, and the same to collect, to keep the streets in repair, and to pass all by-laws for the purpose of carrying the powers herein granted into effect, and all other powers necessary for the government of said Town, and not inconsistent with the laws of the State.

May levy tax. Sec. 7. *And be it further enacted*, That the said Intendant and Councilmen shall have power to levy a tax on the inhabitants and property of said Town, to raise money for the government and management of the affairs of said incorporation.

May elect officers. Sec. 8. *And be it further enacted*, That said Intendant and Council shall, on the day succeeding each election, select, by ballot, a Clerk and Marshal for said Town; and it shall be the duty of the Clerk to issue all executions for fines and taxes that may be necessary, which he shall sign and deliver to the Marshal, whose duty it shall be to collect the same, and pay over the same to the Treasurer, who also shall be elected by the Intendant and Councilmen.

Remove officers. Sec. 9. *And be it further enacted*, That the Intendant and Council shall have power to remove from office the Clerk, Marshal or Treasurer, at pleasure, and appoint others, at any time, in their places, and shall fix the salary of each of said persons, **Require bond** and take bond for the faithful performance of their duty.

Sec. 10. *And be it further enacted*, That all laws militating against this act, be, and the same are hereby repealed.

Approved, 16th January, 1844.

[No. 210.]

AN ACT

To regulate the working of the Roads of Barbour County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That from and after the passage of this act, no overseer, apportioner, warner of hands to work on the roads, in the

county of Barbour, shall be excused or exempt from working the roads, as other hands are required to do by law, any longer than the time they are discharging the duties of overseers, apportioner, or warner; neither shall Justices of the Peace be exempt by reason of holding such office; nor shall persons attending school be exempt from working on the roads, unless regularly entered for a term or session, and not temporarily entered for a few days or weeks, for the purpose of evading his liability to such duty. Overseers, &c., not exempt.

Sec. 2. *And be it further enacted*, That all laws and parts of laws contravening the provisions of this act, be, and they are hereby repealed.

Approved, 17th January, 1844.

[No. 211.]

AN ACT

To authorize the Tax Collector of Covington County to receive jury certificates only in payment of taxes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, the Tax Collector of Covington county, be authorized and required to receive jury certificates only in payment of county taxes of said county. Jury certificates received for taxes.

Sec. 2. *And be it further enacted*, That when a certificate shall exceed the amount due by the holder, that the Tax Collector shall endorse on the back of said certificate the amount of tax received on said certificate, and that the holder of said certificate shall not be allowed to transfer said certificate to any other person or persons for the purpose of paying the taxes of others. Not transferable.

Approved, 17th January, 1844.

[No. 212.]

AN ACT

For the relief of Isaac Swan, Tax Collector of Sumter County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, the Commissioners' Court of Sumter, be, and they are hereby empowered to appropriate out of the county Treasury, to Isaac

Commission-
ers Court of
Sumter may
make appro-
priation.

Swan, Tax Collector of said county, such additional compensation for his services, as such Tax Collector, in the years one thousand eight hundred and forty-two, and one thousand eight hundred and forty-three, as they may deem proper and just: *Provided*, Said amount so appropriated do not exceed in addition to what he has already received, the sum of seven hundred dollars per annum.

May collect
tax.

Sec. 2. *And be it further enacted*, That the said Isaac Swan, be, and he is hereby authorized to place in the hands of the constables of the different beats of said county for collection, all the unfinished business pertaining to his said office of Tax Collector.

Approved, January 17th, 1844.

[No. 213.]

AN ACT

To Incorporate the Town of Sumterville, in Sumter County.

Incorporated

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the town of Sumterville, in the county of Sumter, be, and the same is hereby incorporated; and there shall be elected on the first Monday in March next, an Intendant, and Town Council, for said town, and on the first Monday in March annually thereafter, an election shall be held for said officers.

Name and
style.

Sec. 2. *And be it further enacted*, That the name and style of said incorporation shall be the Intendant and Town Council of the Town of Sumterville, and by that name they may sue and be sued, plead and be impleaded, take and hold property, real and personal, and the same sell and dispose of, in such manner as may be most beneficial to said town, and not inconsistent with the laws of this State.

Elections,
when held,
and how con-
ducted.

Sec. 3. *And be it further enacted*, That Andrew H. Dubos, Albert H. Smith, John M. Soule, and S. H. Anderson, or a majority of them, be, and they are hereby authorized to hold an election in said town on the first Monday in March next, for an Intendant and four town Councilmen, at which election, and at any subsequent annual election, all persons shall be authorized to vote who are qualified to vote for members in the General Assembly of this State; and in case the persons above named, or a majority of them, fail or refuse to hold said election, then in that case, any other three citizens of said town may hold the same.

Sec. 4. *And be it further enacted*, That should any vacan-

cy occur in said board of officers, by resignation or otherwise, it shall be the duty of the board to fill said vacancy until the next annual election thereafter, and all annual elections shall be held by the Intendant and Council last in office, or a majority of them. Vacancies.

Sec. 5. *And be it further enacted*, That the Intendant and Council, or a majority of them, are hereby vested with full power to keep open the streets and alleys of said town, to preserve the peace and good order of the same, to suppress affrays, to fine for assault and battery, and the same to collect, to keep the streets in repair, and to pass all by-laws for carrying the powers herein mentioned into effect; and all other powers necessary for the government of said town, and not inconsistent with the laws of this State. Powers of Intendant, &c.

Sec. 6. *And be it further enacted*, That the Intendant and Council of said town shall have power to levy a tax on the inhabitants, and property of said town, to raise money for the government and management of the affairs of said corporation. May levy tax.

Sec. 7. *And be it further enacted*, That said Intendant and Council shall, on the day succeeding the day of their election, select by ballot, a clerk and marshal for said town, and it shall be the duty of the clerk to issue all executions for fines or taxes, that may be necessary, which he shall sign and deliver to the marshal, whose duty it shall be to levy and collect the same, and pay over the money to the treasurer, who shall likewise be elected by the Intendant and Councilmen at the time of electing the clerk and marshal. Duty of Clerk

Sec. 8. *And be it further enacted*, That the Intendant and Council shall have power to remove from office the clerk, marshal and treasurer, at pleasure, and appoint others at any time in their place, and shall prescribe and fix the compensation to be allowed to each of said persons, and shall take bond and security from each for the faithful discharge of their duty, if they think proper to do so. Removal of officers, &c.

Sec. 9. *And be it further enacted*, That the limits of said corporation shall extend the distance of a half a mile in every direction, from the present Post Office in said town, and the Intendant and Council of said town shall exercise jurisdiction in the limits specified. Limits of incorporation.

Approved, 16th January, 1844.

[No. 214.]

AN ACT

To amend the provisions of An Act, approved the first of January, one thousand eight hundred and forty-two, entitled An Act to prevent the sacrifice of Real Estate.

In case of death of purchaser, payments may be made by legal representative.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That in case of the death of any person, who may be, or who may have been at the time of his or her death, the purchaser of any real estate liable to redemption, under the provisions of the above recited act, it shall be lawful for the debtor whose interest was sold, or any creditor of such debtor, to pay or tender the purchase money, according to the provisions of the said act, to which this an amendment to the executor or administrator of such deceased purchaser; and such executor or administrator shall thereupon re-convey such real estate to the debtor or creditor of the debtor so paying or tendering the money, and the re-conveyance made by such executor or administrator, shall vest in the person to whom it is made, such title as was vested in the deceased.

Approved, 17th January, 1844.

[No. 215.]

AN ACT

To establish a Chancery Court for the County of Randolph, and for other purposes.

Repeal.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That so much of an act entitled an act to divide the State of Alabama into three Chancery divisions, and for other purposes, approved thirtieth of December, one thousand eight hundred and forty-two, as makes the county of Randolph a portion of the fifteenth Chancery District in the middle division of the State of Alabama, be, and the same is hereby repealed.

Randolph.
42d District.

Sec. 2. *And be it further enacted,* That from and after the passage of this act, the said county of Randolph shall constitute a Chancery district in the northern division of the State of Alabama, to be numbered forty two.

Court, when held.

Sec. 3. *And be it further enacted,* That it shall be the duty of the Chancellor of the northern division to hold a court of Chancery for said district hereby established, at the town of McDonald, in said county of Randolph, once in each year, which court shall be holden on the tenth Monday after the fourth Monday in May, and may continue in session one week.

Sec. 4. *And be it further enacted*, That said Chancellor of the northern division shall appoint a Register of said Chancery court hereby established, whose duty it shall be to perform all the duties pertaining to the office of Register and Master in Chancery for said court; which said Register shall give bond and qualify under the same regulations and restrictions and liabilities as are prescribed to Registers of other Chancery courts.

Chancellor to
appoint a Re-
gister.

Sec. 5. *And be it further enacted*, That all causes now pending in the Chancery Court for the fifteenth district of the middle Chancery division, shall, on the application of either complainant or defendant, when any of the parties to said cause resides in the county of Randolph, be transferred to the Chancery Court hereby established, and such transfer, when made, shall be done by order of the court, entered on the minutes, and it shall thereafter be the duty of the Register of the court for the said fifteenth district immediately thereafter, to deliver to the Register of the court hereby established, the original papers in such, together with a transcript of all entries, orders, and decrees, made in such cause in the court, from which said cause is ordered to be removed, all of which shall be certified by the Register delivering the same.

Causes pend-
ing may be
transferred.

Sec. 6. *And be it further enacted*, That the Chancellor of the northern Chancery division be required to hold a separate and special term of the Chancery Court for the thirty-ninth district, in the county of Benton, on the fourth Monday in February, one thousand eight hundred and forty-four, for the purpose of transacting the business of that court, in the same manner as if it were the regular term of said court.

Benton

Special term.

Approved, 17th January, 1844.

[No. 216.]

AN ACT

To incorporate the Town of Huntsville.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the inhabitants of the town of Huntsville shall be, and continue a body politic and corporate, by the name, "The Mayor and Aldermen of Huntsville;" and by their corporate name may sue and be sued, implead and be impleaded, grant, receive, and do all other acts as natural persons, and may purchase and hold real, personal, and mixed property, or dispose of the same for the benefit of said town; and may have and use a town seal, which may be broken or altered at pleasure.

Corporate
name and
style.

Limits of
Town.

Sec. 2. *And be it further enacted*, That hereafter, the corporate jurisdiction, rights, privileges, duties, and restrictions hereby given, or herein contained, shall arise, exist, and extend, in and over a superficial square, viz: a square whose centre will be the centre of the public square in Huntsville, and whose four boundary lines, each of which is to be one mile in length, and run parallel with a corresponding boundary line of the present public square in said town, will embrace an area of one mile square, and the inhabitants.

Mayor and
Aldermen;
when and
how elected.

Qualification
of voters.

Sheriff to hold
election.

Vacancies.

Sec. 3. *And be it further enacted*, That said corporation shall consist of a Mayor and eight Aldermen, who shall be elected as follows: on the third Monday in December of each year, there shall be elected two Aldermen for each of the four wards of said town, who shall be residents of the wards in which they may be elected, at the time of their election, by the qualified electors of said town; said Aldermen shall be elected by ballot, by the free white male citizens within the aforesaid limits, of the age of twenty-one years, who shall be freeholders or householders therein, or who shall have resided therein six months preceding, and paid a corporate tax for the preceding year, as prescribed by any ordinance of the corporation, or who shall be the legal or equitable owners in good faith, of real property within said limits; such election shall be held by the sheriff of Madison county, and three freeholders, to be by him summoned, as judges, and he shall conduct the same in the manner of an election for members of the General Assembly, he giving the casting vote if any two or more shall have an equal number of votes; and said sheriff shall give to each one so elected a certificate of the fact, and thereupon, they shall present their certificate to the Judge or Clerk of the County Court of said county, and before him take the oaths prescribed for civil officers of the State, and an oath to perform the duties imposed upon them by this act, without favor or partiality; of which qualification a record shall be made in the office of said County Court. The qualified voters of said corporation shall, also, at the same time and place, elect a Mayor, who shall, before said Judge or Clerk, take an oath to perform, without favor or partiality, the duties of Mayor, of which a like record shall be kept; and said Mayor and Aldermen shall continue in office until their successors are qualified. If said sheriff shall fail to hold such election, he shall advertise in three public places of said town, another day for holding the same, not above ten days next after the regular day, and on such other day, shall open and hold an election in the manner aforesaid: and if, during the term, any one of the Mayor or Aldermen die, remove, refuse wholly to act, or be disabled from acting, the other Aldermen shall, by ballot, elect another one in his stead, whose qualifications shall be as above described,

The office of Mayor or Aldermen shall alone be filled by a freeholder residing within the corporation; and if any one or more, who shall be elected Aldermen, shall refuse to qualify, the said sheriff shall give notice for, and hold an election to supply the vacancy, as above prescribed.

Sec. 4. *And be it further enacted*, That a majority of the Mayor and Aldermen, shall constitute a quorum to transact the business of the Board, they fix their own sessions, and at any time a special session may be called by the summon of the Mayor, at his own option, or at the request of any two of the Aldermen. Quorum of Board.

Sec. 5. *And be it further enacted*, That the Mayor shall possess within the incorporated limits, all the powers and jurisdiction of a Justice of the Peace, in civil and criminal cases, and to be subject to all corresponding duties and responsibilities, and for his services in such cases, shall be entitled to the fees allowed by law to a Justice of the Peace; and then his signature or act as Mayor, shall be of equal force as if done by him expressly as a Justice. He shall, moreover, have exclusive original jurisdiction to hear, adjudge, and determine all prosecutions, controversies, or matters, out of the orders, regulations, and ordinances of the Board, such as fines, forfeitures, and penalties inflicted, and the summary remedies to be given against the officers of the corporation: *Provided*, The sum in question does not exceed fifty dollars; and from his decision or judgment in any case, of either breach of his jurisdiction, the party desiring it, may have an appeal, or certiorari, in order to have a new trial in the County or Circuit Court of said county, under the rules and regulations prescribed by the laws of the State, for an appeal or certiorari from the judgment of a Justice of the Peace. Mayor's jurisdiction. Proviso.

Sec. 6. *And be it further enacted*, That the Mayor and Aldermen shall have power to appoint a Constable, Clerk, Treasurer, Collector of Taxes, an Assessor, and any other officer who may become essential to the maintenance of a good police; the said officers shall continue in office (unless removed) until the next annual election of Aldermen, and until their successors be qualified. The Mayor and Aldermen shall have power to fill all vacancies that may occur in said offices, and to remove said officers at any time, a majority of the whole Board concurring in said removal. And the said Clerk, Assessor, Collector, Treasurer, and Constable, shall, before the Judge or Clerk of said County Court, take each an oath, well, truly, and faithfully to perform the duties of his office, of which also, a record is to be made; and the said Collector, Treasurer, and Constable, shall, each, before the Clerk of said County Court, enter into bond with security, to the Mayor, or his successor, in the penalty of two thousand dollars, or any larger amount that may be required by any ordinance of the board, with condition to dis- Mayor and Aldermen to appoint a Constable, Clerk, Treasurer, Collector, &c. Officers to give bond.

charge all the duties of his office, truly and faithfully; on which bond, suit and recovery may be had in any court having jurisdiction thereof, in the name of the Mayor or his successor, for the use of the corporation or person injured; and said bond shall remain for other breaches of its conditions.

Duty of Clerk. Sec. 7. *And be it further enacted,* That the Clerk shall keep a regular record of the proceedings, orders, regulations, and ordinances of the Board, which shall be read to the Board, and signed by the Mayor, or presiding chairman; and the same shall have the force of a record, and a copy therefrom, certified by the Clerk, shall be *prima facie* evidence in any court of record, or elsewhere; and said record shall, at all times be open for inspection. The Clerk shall also keep a docket of all causes instituted before the Mayor, as such, or as Justice of the Peace; shewing the order in which they shall be instituted, and noting or endorsing the orders and judgments, &c., therein; and in another book he shall keep a minute or record of the orders, judgments, &c., in said causes; and shall keep and preserve in regular files, as well the papers in such suits, as all others belonging to the Board; and one of the records and papers aforesaid, shall be open for public inspection. In the docket, the Clerk shall note the dates of the issuance and delivery of original and final process, and to whom delivered, and the return thereon, or the substance thereof, and for all his books make full indexes.

Powers and liabilities of Officers. Sec. 8. *And be it further enacted,* That the duties and liabilities of the Assessor, Collector, and Treasurer, as well as the liabilities or any further duties of the Clerk, shall depend upon the ordinances of the Board; that the Constable shall possess the powers, rights, and fees, within the incorporated limits, and in pursuance and execution of this act, as possessed by constables, under the laws of the State; and shall execute the orders, notices, and process of the Board, to him directed or delivered for that purpose, and all warrants, precepts, and process from the Mayor's Court, being subject to the liabilities and remedies which the Board, by its ordinances aforesaid, may prescribe.

Board may grant salaries to officers. Sec. 9. *And be it further enacted,* That the Mayor and Aldermen may, by ordinance, allow to the Constable additional compensation not in the ordinary line of a constable, and for which no specific fees are allowed; they may likewise, by ordinance, fix from time to time, reasonable salaries or compensation to the Mayor, Clerk, Assessor, Treasurer, or other officer.

Proviso. Sec. 10. *And be it further enacted,* That in all cases where the Constable is a party, the Mayor shall, in such cases, direct the process to some other person to execute.

Sec. 11. *And be it further enacted*, That the Mayor and Aldermen shall have power to pass all regulations and ordinances for the common good of the corporation, which may be compatible with the Constitution and laws of the State, and with this act ; they shall have power to prevent and remove nuisances, to prevent the introduction of contagious or infectious diseases within the town, and provide places for the reception of the sick ; to erect a hospital or any other buildings or works, for the use of the town ; and to that end, to join with the county of Madison in any such erections, and to contract or agree with said county, or the Commissioners or competent authorities thereof, for the privilege or right to erect and continue such hospitals, or other buildings or works upon the public square, and accept any gift or conveyance from said County Commissioners or authorities ; to erect lamps ; to provide night watches and patrols ; to erect and repair bridges ; to construct drains and sewers, and to keep them in repair ; to establish fire wards and fire companies, and provide for the prevention and extinguishment of fire ; to regulate partition fences, and to determine by whom they shall be made and kept in repair ; to restrain and prohibit nightly and other meetings, or disorderly assemblies of slaves, free negroes and mulattoes, and other knavish and disorderly persons ; to restrain and prevent trading with slaves ; to provide for regulating and licensing hawkers, pedlers, and retailers of spirituous liquors within the corporate limits, and within one mile of the court house of Madison county, or for annulling and prohibiting the same, and concerning them ; to have and exercise the exclusive power of granting licenses, reserving to the State and county aforesaid, in all cases where the corporate authority may choose to grant licenses, the taxes by the laws of the State imposed, be collected from such hawkers, pedlers, or retailers, as the said Mayor and Aldermen may license ; to license, restrain, and regulate theatrical or other exhibitions for money, whether of animals, figures, horsemanship, activity, legerdemain or of whatsoever character, kind or name ; to impose and enforce fines or penalties for all riots, routs, affrays, assaults and batteries committed within the limits of the corporation, and for obstructing the streets, avenues, sewers, drains, &c., or injuring the corporation buildings or works, or pedling or retailing without license ; to provide for regulating and licensing auctioneers, commission merchants, and the keepers or owners of billiard tables ; to restrain and prohibit gambling ; to regulate and establish markets, and to rent out the stalls in the same, and to prohibit the selling of meats, poultry, fish, or game, except at the public market or markets ; to take care of, preserve, remove, designate and regulate all burying grounds belonging to said corporation ; and, in general, to impose and enforce appropriate fines, forfeitures,

General powers of Mayor and Aldermen.

and penalties, for the non-performance or the violation of their ordinances, so that in no case the same shall not exceed the sum of fifty dollars. Such fines, &c., to be recovered by, and in the name of the Mayor and Aldermen, and to be applied to the use of the corporation.

Vagrants,
how disposed
of.

Sec. 12. *And be it further enacted*, That the Mayor and Aldermen shall have full authority to cause all vagrant, idle, or disorderly persons, all persons of ill fame or evil life, and all such as have no visible means of support, or are likely to become chargeable to the town as paupers, or are found begging or drunk in and about the streets, or loitering in and about tippling houses, or who can show no reasonable course of business or employment in the town; all who have no fixed place of residence, or cannot give a good account of themselves; all who are grossly indecent in language or behaviour, publicly in the streets, and all prostitutes, or such as lead notoriously a lewd or lascivious course of life, to give security for their good behaviour for a reasonable time, and to indemnify the town against any charge for their support; and in case of their refusal or inability to give such security, to cause them to be confined to labor, for a limited time, not exceeding four calendar months, unless such security shall be sooner given; which said labor shall be such as be designated by the Mayor and Aldermen, for the general benefit of the town; and that the labor so designated by the Mayor and Aldermen, may be carried into effect, they shall have power to appoint a person or persons, to take those so confined and sentenced to labor, from their place of custody; and if they should be found afterwards offending, such security may be again required, and for want thereof, the like proceedings may again be had from time to time, as often as may be necessary.

May establish
a school.

Sec. 13. *And be it further enacted*, That the said Mayor and Aldermen shall have power to establish a primary school or schools, for the tuition of all the free white children of the corporation, to be under the guardianship of said corporation, and to employ the proper teachers at suitable salaries.

Streets, lanes,
and alleys,
how regulat-
ed.

Sec. 14. *And be it further enacted*, That the Mayor and Aldermen shall have power and authority to widen, extend, and regulate the streets, lanes or alleys; to lay out proper new streets, lanes or alleys, whenever they may deem it expedient, within the limits of said town, under the following regulations, that is to say: the Mayor of said Town, shall summon twelve freeholders, inhabitants of said town, not directly interested in the lands or lots through which it is proposed to open and lay out the said new street or streets, who being first sworn by the Mayor, to assess and value what damages would be sustained by owners of said lots or lands, by reason of the opening and laying

out any street, lane or alley, and the damages so assessed, shall be paid by the corporation of said Town, to the owners of said lots or lands: *Provided always*, That no street, lane or alley, shall be opened or laid out, until the damages assessed to individuals in consequence thereof, shall have been paid.

See. 15. *And be it further enacted*, That the Mayor and Aldermen, in their corporate capacity, shall have power and authority to contract for any loan or loans they may deem necessary for the purpose of raising money to improve said Town; and in effecting such loan or loans, shall have power to pledge the property and revenue of said corporation.

May borrow money.

Sec. 16. *And be it further enacted*, That the Mayor and Aldermen shall have power, annually, to levy a tax on all property, real and personal, within said town: *Provided*, Said tax shall not exceed fifty cents on every one hundred dollars' worth of such property; and the same shall be laid according to assessment and valuation of the property taxed, to be made by the assessors, in conformity with the regulations the said Mayor and Aldermen may ordain for such assessment and valuation: *Provided*, Nevertheless, that the Mayor and Aldermen shall have authority to review such assessment and valuation, and to make such alterations as they may deem just and advisable.

May levy tax on property.

Proviso.

Sec. 17. *And be it further enacted*, That the Mayor and Aldermen shall have power, annually, to levy a poll tax upon each and every free white male over the age of twenty-one, and under sixty years, the sum of twenty-five cents; and upon every free person of color, a poll tax not exceeding the sum of five dollars. The Mayor and Aldermen shall prescribe the mode and time of collecting the said taxes, and also, any speedy and summary remedies, by motion before the Mayor against the officers of the corporation, for the non-payment of taxes or other monies collected or received, or for other delinquencies in office; which remedies may extend to the securities of such officers, and upon the judgment of the Mayor in any such case, process of execution may be issued by the Mayor, and have the force and effect of an execution from any of the Circuit Courts of this State.

Poll tax.

Delinquencies of officers.

Sec. 18. *And be it further enacted*, That the free white male inhabitants and slaves within the corporated bounds, who otherwise, by the laws of the State; would be subject to work on the roads, causeys, &c., shall be exempt from any such service beyond said bounds, but within the same shall be liable to personal labor upon the streets, bridges, causeys, dranes, &c., as well to erect or open, as to repair the same, or in lieu thereof, to such pecuniary equivalent, as by ordinance may be prescribed.

Exempt from working on roads.

Sec. 19. *And be it further enacted*, That the Mayor and Aldermen of Huntsville be authorized to construct a McAdamsized road from the western boundary of the corporate limits of the town, to the junction of the Athens and Decatur roads: *Provided*, The Stockholders of the Company incorporated for the

May McAdamsize road.

Proviso.

purpose of making said road, agree to surrender the privileges to the said Mayor and Aldermen; should the Mayor and Aldermen construct said road, they are hereby invested with all the rights and privileges, and subjected to all the liabilities and responsibilities, which attach to the original Company by their charter, and are authorized to place the toll-gate at any point they may choose on said road: *Provided*, It shall not be nearer the Court House than one mile and a half: *Provided further*, That the

Proviso.

said Mayor and Aldermen shall not contract for McAdamizing said road, without the consent of two-thirds of the voters entitled to vote within the corporate limits of said town, previously expressed at an election to be held after the passage of this act, giving not less than twenty days public notice of the time and place of holding said election, to be determined as follows:— They shall vote by ballot, and all those who shall be favorable to said improvements being undertaken by said corporation, shall write on their ballot or ticket, accepted, and all those who are opposed to it, shall write upon the ticket, rejected; and if it shall appear, upon counting out the votes, that two-thirds of all the persons entitled to vote, as directed by this charter, have, voted in favor of making such improvement, then and in that event the said Mayor and Aldermen may, at their discretion, undertake the same, and not otherwise.

Repeal.

Sec. 20. *And be it further enacted*, That all laws contravening the provisions of this act be repealed, and this act shall be in force from and after the passage thereof.

Approved, January 16, 1844.

[No. 217.]

AN ACT

To locate permanently the County Site for the County of Cherokee, and for other purposes.

Commissioners; their powers and duties.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That James Montgomery, Magnus G. Williams, Andrew J. Copelen, Thomas Garrett, Joseph Whorton, Aaron Clifton, and Asa R. Brindley, be, and they are hereby appointed Commissioners for the purposes hereinafter declared, and as such, they, or a majority of them, are hereby authorized and required to assemble at Cedar Bluff, in Cherokee county, on or before the first Monday in March next, and proceed to ascertain the centre of said county agreeable to the map and survey, made and reported to the last General Assembly, by Asa W. Allen, in conformity to a resolution passed at a previous session of the Legislature; and that said Commissioners may

effect the same correctly, they shall call to their aid one or more competent mathematicians, and if the centre thus ascertained shall be deemed, by said Commissioners, a suitable location for the County Site, then said Commissioners shall forthwith report ~~the~~ same to the Sheriff of said county; but if said centre shall not be found to be a suitable location for the County Site, then said Commissioners shall forthwith select the most suitable location nearest to said centre, and within three miles of the same, and report such location, thus selected, to the Sheriff of said county.

Sec. 2. *And be it further enacted*, That as soon as said Commissioners shall have made their report to said Sheriff, as required in the preceding section of this act, he shall give at least twenty days notice by advertisement, set up at all the election precincts in said county, that on the first Monday in April, eighteen hundred and forty-four, an election will be held at the several election precincts in said county for the permanent location of a County Site, at which election all persons entitled to vote for members of the General Assembly, shall be permitted to vote, either for "Cedar Bluff," or "Centre," and the said Sheriff shall cause the election to be conducted, and the returns made in the same manner now required in general elections, and within three days thereafter, shall make a return to said Commissioners, the number of votes given for "Cedar Bluff" and for "Centre," and another like return to the clerk of the county court of said county, who shall keep the same on file in his office; and if Cedar Bluff shall receive the greatest number of votes at said election, it shall be and remain permanently the county Site for said county; but if Centre shall receive the greatest number of votes at said election, then the location selected and reported by said Commissioners, as provided for in the first section of this act shall be, and is hereby declared the permanent county Site, or seat of Justice for said county; and said Commissioners, or a majority of them, shall proceed to lay off said town at the place as selected, in such manner as they may deem most conducive to the interest of the county, and prosperity of the place, and they shall be authorized to purchase from any person or persons, a sufficient quantity of land upon which to lay off said town, not exceeding one hundred and sixty acres, or may receive a donation or donations for that purpose, and said Commissioners, as soon as practicable thereafter, shall cause said town to be surveyed and laid off by a competent surveyor into convenient lots, suitable for a Court house Town, and cause a plan of the same to be filed in the office of the clerk of the county court.

Election to be
advertised,
and held for
County Site.

Sec. 3. *And be it further enacted*, That said Commissioners shall immediately proceed to sell said lots to the highest bidder, giving thirty days notice in some public gazette, and at

Lots to be
sold, when
and how.

two or more of the most public places in the county, the time and place of said sale, and they shall superintend the sale of said lots on the premises for cash to some amount, not to exceed ten per cent. on the sale of each lot, and the remainder on a credit of one, two, and three years, to be paid in three equal annual payments; the purchaser giving a bond or note with approved security, payable as aforesaid, to the Judge of the county court of said county, and his successors in office, for the use and benefit of said county.

Court House
and Jail to be
built.

Sec. 4. *And be it further enacted*, That said Commissioners shall immediately after the sale of said lots, contract with some person or persons for the building of a Court-house and jail, on a cheap plan; the Court house not to exceed the price of one hundred dollars; the expenses of which shall be paid out of that part of the sales required to be paid in cash: *Provided*, Said Commissioners shall have and exercise a discretionary power in selling said lots, by selling only such number as may be needed for the early settlement of said town or shall bring a fair price, and they may sell from time to time, as the public interest and the prosperity of the place may require.

Commission-
ers to make
a return and
settlement
with Commis-
sioners Court

Sec. 5. *And be it further enacted*, That said Commissioners shall, at the first regular term of the Commissioners' Court of said county, after any sale of said lots, make a return and settlement with said court, and report the number of lots sold, the amount of each sale, and surrender into the hands of the County Treasurer, all the notes or bonds received by them, on account of the sale of said lots, taking said County Treasurer's receipt, and shall pay over all moneys by them had and received on account of the sale of said lots, after deducting the amount expended by them in the erection of a temporary Court house, and jail, and all expenses of laying off, surveying, advertising and selling said lots; and said Court shall allow said Commissioners such compensation as may be thought to be reasonable, not to exceed two dollars each for each day, said Commissioners may be in actual service.

Titles to lot,
how made.

Sec. 6. *And be it further enacted*, That the Commissioners aforesaid, upon the sale of said lots shall give to the purchaser a certificate of purchase, or bond for titles, and upon the full payment of said purchase money by said purchaser, or to whom said certificate of purchase or bond for titles is legally transferred, they shall be authorized to make, execute, and deliver a title to the same.

Vacancies.

Sec. 7. *And be it further enacted*, That should any vacancy or vacancies occur in said board of Commissioners by death, resignation, or otherwise, said vacancy shall be supplied by the remaining Commissioners.

Sec. 3. *And be it further enacted*, That all moneys, notes, or bonds, or other security for money that may or ought to come into the County Treasury by virtue of the provisions of this act, shall be deemed a county fund, and shall be by said Treasurer, and his successor in office, collected, preserved, and disbursed in manner directed by law for the erection of public buildings.

Notes, bonds, &c., to be a County fund.

Sec. 9. *And be it further enacted*, That the Commissioners appointed by, or under the authority of this act, shall, before they enter upon the discharge of any of the duties of said appointment, take and subscribe the following oath, to wit:—I, A B, do solemnly swear, that I will, to the best of my ability, without fear, favor, or partiality, do and perform all things required of me by law, as a Commissioner, so long as I continue to discharge the duties incumbent upon me as such. So help me God. Which oath shall be taken before the Judge of the county court, or some Justice of the Peace of said county, and subscribed and be placed in the office of the clerk of the county court of said county.

Oath of Jury.

Sec. 10. *And be it further enacted*, That the Commissioners' Court of said county shall appoint five of the Commissioners before named, to lay off, plan out, and superintend the erection of permanent public buildings for said county, under such rules, regulations, and restrictions, as said court may prescribe.

Public Buildings.

Sec. 11. *And be it further enacted*, That the Judges of the Circuit and County Courts for said county shall, after the first Monday in September next, hold their respective courts at the place so selected for said County Site, and the Clerks of said courts, and the Sheriff of said county shall thereafter keep their offices at said place, or vacate the same; and all writs, precepts, and papers of every nature whatsoever, returnable at Cedar Bluff, shall be properly and lawfully returnable to said place, so selected for said County Site.

Courts to be held at place selected.

Sec. 12. *And be it further enacted*, That should a new County Site be selected for said county, then and in that case the Commissioners before named, in addition to the foregoing duties imposed upon them by the provisions of this act, shall proceed to select the most suitable place on the Coosa river for a public ferry, for the use and benefit of the citizens of said county, at a place where the greatest benefit would be conferred on the largest number of said citizens, in going to and returning from said town on horseback, on foot, or in pleasure carriages, or other usual travelling vehicles: *Provided*, That nothing herein contained shall allow said Commissioners to locate said ferry within two miles of any ferry now established in conformity to law, if the owner or owners of said ferries will obli-

Ferry to be established.

Proviso.

Location of
ferry, toll, &c

gate him, her, or themselves, in writing, given to said Commissioners, that they will ferry the people of said county over free of charge, that are going to and from said town on horseback, on foot, or in pleasure carriages; but if no such contract can be effected, then and in that case said Commissioners may select such suitable place for said free ferry, within one mile of any other ferry; and the preparing the banks, furnishing a ferry boat, and keeping the same, shall be let out by said Commissioners once a year, to the lowest bidder, the amount of the same to be paid out of the County Treasury; and for all crossing, except what is contemplated in the foregoing provisions of this act, the same rate of toll shall be taken or charged, as are or may be established for other ferries in said county.

Approved, 15th January, 1844.

[No. 218.]

AN ACT

Making appropriations for the payment of certain claims.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the several sums of money hereinafter mentioned, be, and the same are hereby appropriated to the several persons respectively hereinafter mentioned. That is to say:

J R Coffe To John R. Coffe, sheriff of Jackson county, for keeping State prisoners, the sum of three hundred and eighty-three dollars and thirty-seven cents.

J S Rhea To James S. Rhea, jailer of Morgan county, one hundred and forty-six dollars and forty cents, for keeping State prisoners.

W A Astin To William A. Astin, sheriff of Marion county, twelve dollars, for making return of Congressional election.

R S Hughs To Robert S. Hughs, jailer of Marion county, fourteen dollars, for keeping State prisoners.

M Carleton To Montgomery Carleton, thirty-five dollars, for publishing proposed amendments to the Constitution.

Thos O Holloway To Thomas O. Holloway, late sheriff of Dallas county, fifteen dollars, for making return of Congressional election.

Jas Stedman To James Stedman, jailer of St. Clair county, thirty-six dollars and forty cents, for keeping State prisoners.

Willis Cox To Willis Cox, jailer of St. Clair county, twenty-eight dollars and sixty cents, for keeping State prisoners.

W P Horne To W. P. Horne, thirty-five dollars, for publishing proposed amendments to the Constitution.

Adam Pool To Adam Pool, four dollars, for work done in illuminating the Capitol, eighth January, eighteen hundred and forty-four.

To J. T. Moody, sheriff of Coffee county, fifteen dollars and twenty-five cents, for making Congressional election returns. J T Moody

To John Allums, sheriff of Dale county, nine dollars and thirty-eight cents, for making Congressional election returns. John Allums

To Augustin Lynch, thirty-eight dollars, for work and repairs done to the Capitol and furniture. A Lynch

To James H. Owen, Door Keeper of the House of Representatives, fifty-three dollars and seventy-five cents, for hire of a servant for the House. J H Owen

To Samuel Carpenter, sheriff of Randolph county, the sum of twelve dollars, for making Congressional return from said district. S Carpenter

To Armstead R. Thomas, Door Keeper of the Senate, and to James H. Owen, Door Keeper of the House of Representatives, the sum of ten dollars each, for collecting stationery and filing an inventory of the same, after the close of the present session of the General Assembly, to be paid when they shall produce the certificate of the Secretary of State, that they have performed said labor. A R Thomas
J H Owen

Sec. 2. *And be it further enacted*, That the Comptroller of Public Accounts be, and he is hereby authorized to draw his warrant on the Treasury in favor of the several persons herein mentioned, for the respective sums herein appropriated, to be paid out of any moneys in the Treasury not otherwise appropriated.

Approved, January 17, 1844.

[No. 219.]

AN ACT

Making appropriations for the payment of certain claims against the State.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the several sums of money hereinafter mentioned, be, and the same are hereby appropriated to the several persons respectively, hereinafter mentioned: That is to say,

To Thomas J. Harvey, the sum of three hundred and seventy-five dollars and thirty-five cents, for victualling State prisoners in the Jail of Henry County, and conveying John Dunn, a State prisoner, on a change of venue from Henry to Barbour county. T J Harvey

To Hugh P. Caffy, jailer of Montgomery county, the sum of twelve hundred and fifty-five dollars and twenty-five cents, for keeping sundry State prisoners. Hugh P Caffy

To Thomas Lampley, jailer of Barbour county, the sum of forty dollars, for keeping sundry State prisoners. Tho Lampley

- Saml Dennis To Samuel Dennis, jailer of Tallapoosa county, the sum of two hundred and ninety-eight dollars, for keeping State prisoners.
- Geo M Neal To George M. Neal, the sum of sixteen dollars, for keeping Lawrence Thornby and Francis McKee, State prisoners, in the jail of Fayette county.
- R H Poe To R. H. Poe, sheriff of Fayette county, the sum of eighty-three dollars, for keeping State prisoners.
- W J Willis To William J. Willis, deputy sheriff of Benton county, twenty-four dollars, for taking Hugh L. Tindley, a State prisoner, before a judge of the Circuit Court, on a writ of *habeas corpus*.
- John W Cobb To John W. Cobb, jailer of St. Clair county, the sum of twenty-four dollars, for keeping James Mitchell, a State prisoner.
- I Kirkland To Isaac Kirkland, the sum of ninety dollars and forty cents, for keeping State prisoners in the jail of Henry county.
- J Chauncey To John Chauncey, the sum of twenty-three dollars and twenty-five cents, for services and expenses in pursuing and apprehending James Johnson, fugitive from justice.
- W Pippin To Weeks Pippin, jailer of Henry county, four dollars, for keeping Stephen Jernigan, a State prisoner.
- Rob S Porter To Robert S. Porter, sheriff of Benton county, twelve dollars, for making returns of the election of a member of Congress in the seventh Congressional district.
- Field. Snow To Fielding Snow, jailer of Benton county, forty-nine dollars and sixty cents, for keeping State prisoners.
- T G Garrett To Thomas Gray Garrett, thirty dollars, for prosecuting to conviction in the Circuit Court of Chambers, three negro slaves, Lewis, Reuben and Kitty, charged with capital offences.
- Raza H Poe To Raza H. Poe, sheriff of Fayette county, eleven dollars and twenty cents, for making returns of Congressional election.
- E D Bullock To E. D. Bullock, the sum of ten dollars, for defending in the Circuit Court of Mobile county, David Martin, a free man of color, by appointment of the Judge.
- Jas Daniel To James Daniel, jailer of Russell county, one hundred and thirty-two dollars and sixty-five cents, for keeping State prisoners.
- Jo G Carrett To Joseph G. Garrett, sheriff of Marshall county, nine dollars and sixty cents, for victualling State prisoners.
- JA Hammack To John A. Hammack, jailer of Baldwin county, one hundred and sixty-five dollars and sixty cents, for keeping State prisoners.
- T S Harvey To Thomas S. Harvey, sheriff of Henry county, twenty-four dollars and fifty cents, for making returns of Congressional election.
- M M Bonham To M. M. Bonham, nineteen dollars and sixty cents, for keeping John Hacket and Wilkins Turner, State prisoners, in the jail of Wilcox county.
- Saml Burnett To Samuel Burnett, late sheriff of Wilcox county, one hundred and seventy-five dollars and twenty cents, for keeping State prisoners.

To Vincent M. Benham, sheriff of Lauderdale county, for keeping Ephraim D. Read and John D. Murphey, William Brown, John Trout, Jackson Blake, Hiram Sartin, John A. Sleeve and William G. Hughes, State prisoners, two hundred and six dollars and thirty cents. V M Benham

To P. P. Waters, sheriff of Butler county, twenty-one dollars and twenty-five cents, for making returns of Congressional election. P P Waters

To James Orear, Isaac Rutherford and Archibald Rutherford, one hundred and thirty-two dollars, for pursuing, apprehending and delivering Caleb Littleton and Nancy Littleton, fugitives from justice. Jas Orear
I Rutherford
A Rutherford

To Daniel Chiles, jailer of Randolph county, forty-seven dollars and twenty cents, for keeping State prisoners. Danl Chiles

To Wade L. Hampton, jailer of De Kalb county, sixty-six dollars, for keeping State prisoners. WL Hampton

To William P. Carolan, jailer of Morgan county, seventy-six dollars, for keeping State prisoners. W P Carolan

To Calvin J. Gully, sheriff of Greene county, two hundred and forty-three dollars and twenty cents, for keeping State prisoners. C J Gully

To William Jennings, jailer of Tuscaloosa county, two hundred and ninety dollars, for keeping State prisoners. W Jennings

To Thomas P. Simmons, jailer of Lowndes county, one hundred and forty-two dollars and ninety cents. T P Simmons

To Edward O'Neal, ten dollars, for prosecuting to conviction a negro slave, Bob, at the Circuit Court of Lauderdale. Edw O'Neal

To John F. Connelly, sheriff of Dallas county, one hundred and thirty-four dollars and twenty-five cents, for keeping State prisoners. J F Connelly

To Benjamin D. Cook, sheriff of Cherokee county, nineteen dollars and seventy-five cents, for making Congressional returns. B D Cook

To Richard Taylor, jailer of Chambers county, nine hundred and ninety-two dollars and thirty cents, for keeping State prisoners. Richd Taylor

To Joseph Gill, jailer of Jefferson county, thirty-one dollars and sixty cents, for keeping State prisoners. Joseph Gill

To Thomas O. Holloway, late sheriff of Dallas county, four hundred and twenty-seven dollars and ninety-five cents, for keeping State prisoners. TO Holloway

To Josiah Botts, jailer of Coosa county, fifty-seven dollars and twenty cents, for keeping State prisoners. Josiah Botts

To Benjamin D. Cook, sheriff of Cherokee county, seventeen dollars and seventy-two cents, for conveying Edward L. Givins, a State prisoner, upon a writ of *habeas corpus*, from Cedar Bluff to Jacksonville. Benj D Cook

To Calvin J. Gully, sheriff of Greene county, seventy-five dollars and seventy-five cents, for keeping State prisoners. C J Gully

- J W Suttle To John W. Suttle, late sheriff of Bibb county, nine dollars and twenty-five cents, for making return of Congressional election.
- Dani Cribbs To Daniel Cribbs, sheriff of Tuscaloosa county, one hundred and five dollars and twenty-five cents, for attendance on the Supreme Court.
- Geo Huggins To George Huggins, late sheriff of Mobile county, two thousand five hundred and seven dollars and thirty cents.
- J R Slaughter To John R. Slaughter, sheriff of Tallapoosa county, for making return of Congressional election, and for attending on writ of *habeas corpus* with prisoner two days, nineteen dollars and twenty-five cents.
- D F Henderson To David F. Henderson, sheriff of Conecuh county, fifteen dollars and twenty-five cents, for making return of Congressional election.
- J F Grant To J. F. Grant, thirty-five dollars, for advertising in the Jacksonville Republican, proposing amendments to the Constitution.
- P E Broadus To Perry E. Broadus, thirty-five dollars, for advertising in the Florence Gazette proposed amendments to the Constitution.
- McAlpin & Warren To McAlpin & Warren, for publishing in the Wetumpka Argus proposed amendments to the Constitution, thirty-five dollars.
- B Gardner To Benjamin Gardner, twenty dollars, for publishing in the Southern Shield proposed amendments to the Constitution.
- Thos J Frow To Thomas J. Frow, thirty-five dollars, for publishing in the Selma Free Press proposed amendments to the Constitution.
- S J Walsh & Co. To S. J. Walsh & Co., thirty dollars, for advertising in the Montgomery Advertiser the act to prevent frauds in elections.
- S Stephens To Samuel Stephens, jailer of Franklin county, one hundred and forty-eight dollars and twenty-five cents, for keeping Alfred Sanders, George Brown, James Ricks, and Peter, a slave, State prisoners.
- John Allums To John Allums, sheriff of Dale county, five dollars and sixty cents.
- J G Garrett To Joseph G. Garrett, sheriff of Marshall county, eighty cents.
- J G Garrett To Joseph G. Garrett, sheriff of Marshall county, thirty-three dollars, for making returns of Congressional election.

Sec. 2. *And be it further enacted*, That the Comptroller of Public Accounts, be, and he is hereby authorized and required to issue his warrants on the State Treasurer, in favor of the said several persons respectively, for the said several sums of money hereby appropriated to them respectively, and the same shall be paid out any money in the Treasury not otherwise appropriated.

Sec. 3. *And be it further enacted*, That the following sums be, and the same are hereby appropriated to the persons herein named, for feeding prisoners confined in the several jails in this State, to wit:

To Charles Bancroft, sheriff of Mobile county, the sum of six hundred and twenty-four dollars and eighty cents, for feeding prisoners confined in the jail of said county.

To James H. Thompson, sheriff of Sumter county, the sum of sixty dollars and eighty-one cents, for like services. J H Thompson.

To Wiley White, sheriff of Pike county, the sum of one hundred and seventy-two dollars and seventy cents, for like services. W White

To Elliot W. Hilliard, administrator of James Odell, deceased, late jailer of Sumter county, the sum of eighty-three dollars and sixty cents, for like services. E W Hilliard

To William R. Hunt, jailer of Madison county, the sum of six hundred and sixty-three dollars and twenty cents, for like services. W R Hunt

To William J. Green, jailer of Jackson county, the sum of forty-nine dollars and sixty cents. W J Green

To Bryant N. Mangham, of Russell county, for moneys expended in taking James W. Hill from Russell county to Montgomery county, on writ of *habeas corpus*, the sum of thirty-two dollars and fifty cents; and also the sum of eighteen dollars, for making return for the second Congressional district. B N Mangham

To C. E. B. Strode, of Sumter county, the sum of twenty dollars, for prosecuting two slaves to conviction. C E B Strode

To William Cochran, of Tuscaloosa county, the sum of ten dollars, for prosecuting a slave to conviction. W Cochran

To P. Anderson, sheriff of Jefferson county, the sum of ten dollars, for executing a slave. P Anderson

To William McCarty, the sum of nine dollars and twenty-five cents, for making Congressional return from the third district. W McCarty

To W. Williams, sheriff of Macon county, the sum of fifteen dollars, for making Congressional return for the second district. W Williams

To Joseph Allen, sheriff of Walker county, for making Congressional return from the fifth district, the sum of fifteen dollars twelve and a half cents. Joseph Allen

To Philip Woodson, jr., the sum of thirty-two dollars and fifty cents, for advertising amendments to the Constitution of this State. P Woodson

To Sanford & Wilson, of Mobile, the sum of one hundred dollars, for advertising the proposed amendments to the Constitution of this State; An Act to prevent frauds in elections, and the Governor's Proclamation. Sanford & Wilson

To M. D. J. Slade, of Tuscaloosa, the sum of thirty-five dollars, for publishing the proposed amendments to the Constitution of the State of Alabama. M D J Slade

To Hogan & Lyon, the sum of twenty-four dollars and ninety-one cents, for stationery furnished the present General Assembly. Hogan & Lyon

To Armstead R. Thomas, the sum of forty dollars, for servant hire and for filing an inventory of the surplus stationery of last session, and for illuminating the Capitol on the eighth of January, eighteen hundred and forty-four. A R Thomas

To John Thomas, the sum of forty-three dollars, for servant hire during the present session of the General Assembly. John Thomas

T Harrison To Thomas Harrison, the sum of one hundred and fifty dollars, for taking care of the State Capitol, furniture and library, by order of the Governor.

Jas H Owen To James H. Owen, the sum of ten dollars, for illuminating the State Capitol on the eighth of January, eighteen hundred and forty-four.

W M Mont- To William M. Montgomery, the sum of thirty-six dollars, gomery for nine days' services as Clerk for the Joint Examining Committee on the State Bank and Branches.

H P Douthitt To H. P. Douthitte, the sum of thirty-two dollars, for like services.

Warden of Penitentiary. Sec. 4. *And be it further enacted*, That the State Treasurer be, and he is hereby required to deposite in the Branch of the Bank of the State of Alabama, at Montgomery, to the credit of the Warden of the Penitentiary, out of the revenue fund, the sum of eight thousand dollars, for the purpose of defraying the expenses of said institution; said deposite to be made by the first day of February next.

Approved, January 15, 1844.

[No. 220.]

AN ACT

To incorporate the Tennessee and Coosa Rail Road Company.

Preamble. WHEREAS, a connection by Rail Road of the navigable waters of the Tennessee with those of the Coosa river, is a project greatly desired by the citizens of a large portion of the State of Alabama: And whereas, it would develope its resources, bind together sections now remote, and tend generally to the advancement and the prosperity of the State. Therefore,

Names of Commissioners. Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That B. M. Lowe, George Cox, George Steele, William Brandon, George P. Burn, William J. Mastin, William Echols, John Reede, Rodah Horton, John W. Otey, William McDonald, Geo. Russell, Fleming Jordan, William Ront, and John Robinson, of Madison County: Charles Roach, Moses Jones, William M. King, and John Hudson, of Jackson County: Lew Wyth, Simson Nichols, Albert Henry, and Allen Lovelace, of Marshall County: Simpson Newman, and Jacob T. Bradford, of De Kalb County; and George Hughes, of Cherokee County, be, and they are hereby appointed Commissioners, any thirteen of whom shall be competent to act, and do all business necessary to be done, by virtue of this act of incorporation; and they shall open books of subscription for the capital stock of the "Tennessee and Coosa Rail Road Company," at such time and places, and

Books to be opened for sale of stock.

with such notice, as they may think proper: *Provided*, The same be not less than thirty days.

Sec. 2. *And be it further enacted*, That the capital stock of said Rail Road Company may be five hundred thousand dollars, in shares of one hundred dollars each, with the privilege of increasing one-third, should said increase be found necessary for its construction and future management. Amount of Capital Stock

Sec. 3. *And be it further enacted*, That said Rail Road shall extend from some point at or near Gunter's Landing, upon the Tennessee River, to the most eligible point on the Coosa River, between the base of the Lookout Mountain, and the Ten Island Shoals; and shall be located with a view to the extension at some future day to some point on the Alabama river. Length of Rail Road.

Sec. 4. *And be it further enacted*, That as soon as fifty thousand dollars shall have been subscribed to the capital stock of said Company, the subscribers of said stock, their successors and assignees, shall be, and they are hereby declared to be incorporated into a Company, by the name of the "Tennessee and Coosa Rail Road Company;" and by that name shall be capable in law, of purchasing, holding, leasing, selling and conveying real, personal and mixed property, so far as shall be necessary for the purposes of this incorporation; and by said incorporated name, may sue and be sued, plead and be impleaded, answer, and be answered unto, in any court of law or equity in this State or elsewhere; and to have and use a common seal, and the same to alter or amend at pleasure; to pass such by-laws, rules and ordinances, for the good government of said corporation, as to them may seem proper; and generally do all things necessary to carry into effect fully and completely the objects of this act. Powers, privileges, &c. of the Company.

Sec. 5. *And be it further enacted*, That as soon as fifty thousand dollars shall have been subscribed, the commissioners hereby appointed, shall call a general meeting of the subscribers at such time and place, as they may appoint; and, at such meeting, the said subscribers, or a majority of them in value, shall elect nine Directors, by ballot, to manage the affairs of said company; and the commissioners, as aforesaid, or any three or more of them shall be judges of said first election of Directors; and the Directors thus chosen, shall elect, among themselves, a President of said company, and allow him such compensation as they may think proper; and on all occasions wherein a vote of stockholders shall be necessary to be taken, each stockholder shall be allowed one vote for every share owned by him or her; and any stockholder may depute any other person to vote and act for him or her, as his or her proxy. President and Directors to be elected, when and how.

Sec. 6. *And be it further enacted*, That the President and Directors of said company shall be chosen annually by the stockholders of said company; and if any vacancy shall occur by

Vacancies,
how filled.

death, resignation, or otherwise, of any President or Director, before the year for which they were elected, shall have expired, such vacancy shall be filled by the President and Directors, or a majority of them; and that the President and Directors shall hold their office until their successors are chosen and qualified, shall have power to call meetings of stockholders at any time; and a majority of stockholders shall have power to remove the President or any Director, and to fill all vacancies, occasioned by removal, at pleasure.

President and
Directors to
appoint offi-
cers, pass by-
laws, &c.

Proviso.

Sec. 7. *And be it further enacted*, That the said President and Directors, or a majority of them, may appoint all such officers, engineers, agents, or servants whatsoever, as they may deem necessary to carry on the business of said company, and may dismiss them at pleasure; and a majority of them shall determine the compensation of all officers, engineers, and servants of said company: shall have power to pass all by-laws which they may deem necessary and proper for exercising all the powers vested in this company for carrying into effect the objects of this act: *Provided, only*, that such by-laws shall not be contrary to the laws of this State, or of the United States; and said President and Directors, or a majority of them, are empowered to borrow money to carry into effect the object of this act: to issue certificates, or other evidences of such loan, and to pledge the property of said company for the payment of the same with interest.

Stock may be
sold on failure
to pay instal-
ments.

Sec. 8. *And be it further enacted*, That the said President and Directors shall have power to require the stockholders of said company to pay such instalments on their respective shares of stock in said company, and at such time as they may think best, for the interest of said company; and, upon the failure or refusal of any stockholder to pay the instalment required on his, her or their stock, in pursuance of any call made by said President and Directors as aforesaid, said President and Directors may, upon giving thirty days notice, proceed to sell, at public sale, the share or shares of said stock owned by such stockholder, or such part, as they may think proper, to the highest bidder; and if, upon the sale of the shares of said stock owned by said defaulting stockholder, said stock should be sold for less than the amount due upon instalments as above mentioned, said stockholder shall be liable to pay to the said company, the deficiency in manner and form hereafter specified.

Stockholders
how proceed-
ed against for
failure to pay
instalments.

Sec. 9. *And be it further enacted*, That upon the failure or refusal of any stockholder to pay any instalment called for, or demanded by the President and Directors of said company; or if, upon the sale of said shares, as before specified, they shall be sold for less than the amount due upon instalments as above mentioned, the President and Directors, upon giving twenty days notice to said defaulting stockholder, may proceed, by their Attorney, to move the Circuit Court of the County in which said

stockholder may reside, for judgment against said stockholder, for the amount called for by the President and Directors of said company ; or, as the case may be, for any deficiency that may occur in the sale of said stock as above specified ; and said Court is hereby authorized and empowered, and required, to render judgment against said defaulting stockholder, at the same term of the Court at which said motion is made ; which judgment, so given, shall be a lien on the real and personal property of said stockholder ; and execution shall issue, as upon other judgments, for the amount of said judgment and cost : and all notices hereby required to be given to any defaulting stockholder, shall be issued by, and in the name of, the Secretary to the Board of Directors, and served by the Sheriff of the County in which the stockholder may reside, and shall be returned to the office of the Clerk of the Court, as in cases of common writs ; and the Sheriff shall be entitled to one dollar for serving said notice, which, with all cost that may accrue on said proceedings, shall be paid by the party against whom judgment may be rendered.

Sec. 10. *And be it further enacted*, That the President and Directors of said company are hereby authorized to contract for, and receive conveyances of land, stone, timber and wood, which may be necessary, or required in the construction of said Rail Road ; and when the owner and company cannot agree upon the price, or when the owner is an infant, non-resident, or *non compos mentus*, then it shall be lawful for the President and Directors of said company to apply to the Sheriff of the County in which said lands or other property may be situated, who shall summon a jury of seven disinterested freeholders, a majority of whom shall be authorized to assess the damages, and return their award or judgment to the next term of the Circuit Court for the county in which said land or other property may be situated ; which shall be entered by the Clerk, as the judgment of the Court ; and execution may issue thereupon for the amount of said judgment and costs : *Provided, always*, that if either party shall upon the return thereof be dissatisfied, they may, upon filing bond with good and sufficient security, in such sum as the Court may order, be allowed an appeal to the next term of the Circuit Court, where said case shall stand for trial *de novo*: *Provided*, Thirty days notice shall have been given to the opposite party, issued by the Clerk of the Court, and served by the Sheriff of the County.

Company authorized to contract for land, materials, &c., for rail road.

Proviso.

Sec. 11. *And be it further enacted*, That the Jurors trying said case, shall take the following oath ; which oath, the Sheriff is hereby authorized to administer : “ You, and each of you, do swear (or affirm, as the case may be,) that you will well and truly try the case now pending, and submitted to your decision, between A. B, complainants, and the President and Directors of the Tennessee and Coosa Rail Road Company, defendants ; and that

Oath of Jury.

you will take into consideration the advantages and value which the construction of the Rail Road may give to lands or other property, as well as the injury said lands, or other property, may sustain by its construction through, or near which it may be constructed. So help you God."

Lands to
enure to com-
pany, and
how.

Sec. 12. *And be it further enacted*, That the said lands or other property, when so condemned and estimated, as aforesaid, shall enure to, and become the property of said company forever, upon the payment, by said company, of the amount assessed by said jury, to the party claiming damages on account of the construction of said road through said lands, or for such other property: *And provided further*, That said works shall, in no wise, be delayed on account of the proceedings had as aforesaid.

Penalty for
injuring Rail
Road.

Sec. 13. *And be it further enacted*, That in case any person shall wilfully injure, or obstruct in any degree, the said road or roads, he shall forfeit and pay to the President and Directors of said company three times the amount of all damages they may sustain in consequence thereof; to be sued for, and recovered in the same manner as provided by law for individuals in like cases. And on complaint made to any magistrate within whose jurisdiction such offence shall be committed, it shall be the duty of such magistrate to bind the person or persons, so offending, with sufficient security for his or their good behavior, for a period not less than one year; and such offender shall also be subject to indictment; and shall be sentenced at the discretion of the Court, to be imprisoned not less than three, nor more than six months.

Not to ob-
struct public
roads.

Sec. 14. *And be it further enacted*, That in the construction of said Rail Road, the President and Directors of said company shall not, in any way or manner, obstruct any public road now established; but shall provide convenient passages to travel over said road.

Payments for
stock, how
made.

Sec. 15. *And be it further enacted*, That payments of the subscription to the stock in said Rail Road may be made in the materials, labor, provisions, and all and every thing necessary for the construction of said road, which the Board of Directors at their discretion may deem expedient to accept.

Company
may collect
tolls, &c.

Sec. 16. *And be it further enacted*, That after the completion of said road, or any part thereof, the said President and Directors may lay and collect tolls from all persons, property, merchandise, and other commodity transported thereon: *Provided*, The nett profits of said road shall never exceed twenty-five per cent. per annum.

Reserved
powers.

Sec. 17. *And be it further enacted*, That the General Assembly reserve the right and power to authorize the construction of any Rail Road to cross the one authorized by this act, at any point the General Assembly may think proper.

Sec. 18. *And be it further enacted*, That nothing in this act shall be so construed, as to confer upon said company any right to exercise the powers of a Banking Company, or to issue any description of paper, or evidences of debt, intended as circulation. Banking powers prohibited

Approved, January 16, 1844.

[No. 221.]

AN ACT

To consolidate the several acts of Incorporation of the City of Mobile, and to alter and amend the same.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Corporation of the City of Mobile shall, hereafter, consist of a Mayor, Board of Aldermen, and Board of Common Council; and shall be known and styled as the "Mayor, Aldermen, and Common Council of the City of Mobile;" and by their corporate name, may sue, and be sued, implead, and be impleaded, grant, receive, and do all other acts, as natural persons; and may purchase and hold real, personal, and mixed property, not exceeding, at any one time, five hundred thousand dollars, or dispose of the same for the benefit of the said City; and may have and use a City Seal, which may be broken or altered at pleasure. Name and style of Corporation.

Sec. 2. *And be it further enacted*, That the limits and boundaries of the said City of Mobile, shall be as follows, to wit: Commencing at the North-bank of Bayou Chetaugue at its mouth; thence running East to the East-bank of Spanish river; thence down the East-bank of said river, to the extreme Southern point of the Island; thence South to a point which will intersect the South boundary of Township number four; thence West to a point where a North line will strike the Bayou Chetaugue, at the old Portage; thence down the left bank of said Bayou to the place of beginning. Limits and boundaries of City.

Sec. 3. *And be it further enacted*, That the said City of Mobile shall be divided into seven Wards, to be numbered and designated as Wards Number one, two, three, four, five, six and seven; which Wards shall be divided and bounded as follows: City divided into Wards.

WARD, No. 1—Shall commence at the intersection of the Eastern and Northern boundary lines of the City; thence running Southwardly along the East boundary line of the City, to its intersection with the centre of St. Louis street; thence Westwardly along the centre of St. Louis street to its intersection with the centre of Franklin street; thence Northwardly along the centre 1st Ward.

of Franklin street to its intersection with the North boundary line of the City; thence along the said North boundary line Eastwardly to its intersection with the East boundary line of the City, being the place of beginning.

2d Ward. WARD, No. 2.—Shall commence at the intersection of the East boundary line of the City and the centre of St. Louis street; thence running Southwardly along said East boundary line to its intersection with the centre of St. Francis street; thence Westwardly along the centre of St. Francis street to its intersection with the centre of Franklin street; thence Northwardly along the centre of Franklin street to its intersection with the centre of St. Louis street; thence Eastwardly along the centre of St. Louis street, to its intersection with the said East boundary line, being the place of beginning.

3d Ward. WARD, No. 3.—Shall commence at the intersection of the East boundary line of the City, and the centre of St. Francis street; thence running Southwardly along said East boundary line to its intersection with the centre of Conti street; thence Westwardly along the centre of Conti street, to its intersection with the centre of Franklin street; thence running Northwardly along the centre of Franklin street, to its intersection with the centre of St. Francis street; thence Eastwardly along the centre of St. Francis street to its intersection with the said East boundary line, being the place of beginning.

4th Ward. WARD, No. 4.—Shall commence at the intersection of the East boundary line of the City, and the centre of Conti street; thence running Southwardly along said East boundary line to its intersection with the centre of Monroe street; thence Westwardly along the centre of Monroe street to its intersection with the centre of Franklin street; thence Northwardly along the centre of Franklin street to its intersection with the centre of Conti street; thence Eastwardly along the centre of Conti street to its intersection with the said East boundary line, being the place of beginning.

5th Ward. WARD, No. 5.—Shall commence at the intersection of the East boundary line of the City, and the centre of Monroe street; thence running Southwardly along said East boundary line, to its intersection with the South boundary line of the City; thence Westwardly along said South boundary line, to its intersection with the centre of Franklin street; thence Northwardly along the centre of Franklin street to its intersection with the centre of Monroe street; thence Eastwardly along the centre of Monroe street, to its intersection with the East boundary line of the City, being the place of beginning.

6th Ward. WARD, No. 6.—Shall commence at the intersection of the South boundary line of the City, and the centre of Franklin street; thence running Northwardly along the centre of Franklin street to its intersection with the centre of Dauphin street;

thence Westwardly along the centre of Dauphin street as far as the intersection of Wilkinson street ; from which point, continuing Westwardly along the centre of Spring Hill road to the West boundary line of the City ; thence Southwardly along the East boundary line of the City to its intersection with the South boundary line of the City ; thence Eastwardly along said South boundary line to its intersection with the centre of Franklin street, being the place of beginning.

WARD, No. 7—Shall commence at the intersection of the centre of Dauphin and Franklin streets ; thence running Westwardly along the centre of Dauphin street as far as the intersection of Wilkinson street ; from which point, continuing Westwardly along the centre of the Spring Hill road to the West boundary line of the City ; thence Northwardly along said West boundary line to its intersection with the North boundary line of the City ; thence Eastwardly along said North boundary line to its intersection with the centre of Franklin street ; thence Southwardly along the centre of Franklin street to its intersection with the centre of Dauphin street, being the place of beginning. ^{7th Ward.}

Sec. 4. *And be it further enacted*, That no person or persons, shall be eligible to the offices of Mayor, Alderman, or Common Council aforesaid, unless he or they be free white male citizens of the United States, of lawful age, and shall have lived within the corporate limits of said City, at least twelve months immediately preceding the time of their election; and shall have paid into the City treasury a tax within the last municipal year, unless exempted by law from the payment of the same. ^{Eligibility of Mayor and Councilmen.}

Sec. 5. *And be it further enacted*, That the Board of Aldermen shall consist of two Aldermen from each Ward; and the Board of Common Council shall consist of seven members ; to be elected as hereinafter provided : *Provided*, One of the said Common Councilmen shall reside in each of the several Wards. ^{Board of Aldermen.}

Sec. 6. *And be it further enacted*, That the Mayor of the said City, and the seven Common Councilmen, shall be elected annually on the first Monday in December, by ballot, in general ticket, by the free white male inhabitants of said City, of or over the age of twenty-one years, who are citizens of the United States, and have resided within the City, at least twelve months immediately preceding the election ; and who have paid into the City treasury a tax within the last municipal year previous to the election, unless exempted by law from the payment of the same ; and the Aldermen, aforesaid, shall be annually elected on the first Monday of December, by ballot, by the citizens of their respective Wards, who shall be respectively qualified as aforesaid. But no person shall be so eligible to the office of Alderman, or qualified to vote for the same, unless he or they shall have been ^{Elections. Qualifications of voters.}

residents of the Ward for at least twenty days immediately preceding the day of election.

Inspectors to
be appointed.

Oath of Mayor,
or, Aldermen,
&c.

Sec. 7. *And be it further enacted*, That the Mayor, Aldermen, and Common Council, for the time being, shall appoint three Inspectors for each Ward in the City, to preside at the election of Mayor, Aldermen, and Common Council; the certificate of which Inspectors, shall state the number of votes taken, and who are the highest on the list; and said certificate being filed with the Clerk of the said City of Mobile shall be conclusive evidence as to those who are elected Mayor, Aldermen, and Common Councilmen for said City; and within three days after the said, or any subsequent election, each person who shall be elected, shall take the following oath: "I do solemnly swear, or affirm, that I will truly and faithfully execute the duties of Mayor, Alderman, or Common Councilman, (as the case may be,) as prescribed in this act; and that I will not, during my continuance in office, be directly or indirectly engaged in any contract with the Corporation, or sell to, or buy from it, any estate, interest or matter whatsoever."

Notice of
election to
be given.

Sec. 8. *And be it further enacted*, That the Mayor, for the time being, shall give ten days' public notice, by advertising in some public newspaper printed in the said City of Mobile, or by posting up such notice in two or more of the most public places within said City, of the time and place of holding said elections; which elections must be holden in the several wards of the said City, and if there should be an equal number of votes between any two or more persons who shall have been voted for at said election, and the choice of Mayor, Aldermen or Common Councilmen, or any or either of them is prevented thereby, the said judges or inspectors shall declare the fact, and shall issue notice in the same manner and form as is required by this act for the regular election, for a new election, to fill the vacancy occasioned by those having an equal number of votes.

Polls to be
kept open.

Sec. 9. *And be it further enacted*, That the polls for said election of Mayor, Aldermen and Common Councilmen, shall be kept open from eight o'clock in the morning, until four o'clock in the evening, and no longer, for the reception of ballots; and on closing the polls, the judges shall proceed immediately, and in a public manner, to count the ballots; and when the certificate of the said judges or inspectors shall be filed as aforesaid, the Clerk shall immediately give to each person a certificate of his having been duly elected.

Judges of
election.

Sec. 10. *And be it further enacted*, That the said Boards of Aldermen and Common Council, shall severally be the judges of the election and qualification of their respective members, and they, together, shall constitute a Board to determine the election of Mayor, if the same shall be contested.

Sec. 11. *And be it further enacted*, That in case of the sickness or temporary absence of the Mayor from the City, the duties of his office shall be performed by the President of the Board of Common Council, and in case of the absence, inability or refusal of the latter to attend the said duties, the same shall be performed by the President of the Board of Aldermen, and in case of the death of the Mayor, his resignation or inability to discharge the duties of his office, or absence from the City for two consecutive months, without permission of both Boards, his office shall be declared vacant by said Boards, who, after giving ten days' public notice, shall proceed in joint convention to elect his successor.

In case of absence of Mayor, &c. office to be declared vacant.

Sec. 12. *And be it further enacted*, That in case any member of either of the Boards of Aldermen or Common Council shall die, resign, be unable to discharge the duties of his or their office or offices, or be absent from the City for two consecutive months, without leave of the Board of which he is a member, or if any Alderman or Aldermen shall, after his or their election, remove from the ward for which he or they were elected, the seat of any such member or members of either of said Boards shall be declared vacant, and the said vacancy be filled by the Board in which it occurs, of which ten days' public notice shall be given.

Of Boards of Aldermen and Council.

Sec. 13. *And be it further enacted*, That the said Mayor, Aldermen and Common Council, shall have full power to elect or appoint, in a convention to consist of the Mayor and the said two Boards, all officers and agents which may be deemed necessary for the purposes of said corporation; and the compensation, duties, and security for the faithful performance of the duties of said officers and agents, shall be fixed by the said Mayor, Aldermen and Common Council; and the said officers and agents may be removed and displaced at the pleasure of the said convention, and the compensation of such officers and agents shall cease from the time of such displacement or removal.

Power to appoint officers, &c., and remove the same.

Sec. 14. *And be it further enacted*, That the Boards of Aldermen and Common Council, respectively, shall have power to hold and to adjourn their meetings, from time to time, unless sooner called together by a written notice from the Mayor, designating the time and place of holding such meetings; they shall each keep a journal of their proceedings, and shall enter the yeas and nays on any question, resolve or ordinance, at the request of any member; and their deliberations shall be public.

Meetings of Board, how regulated.

Sec. 15. *And be it further enacted*, That the said Mayor, Aldermen and Common Council shall have full power and authority to pass all by-laws and ordinances, to regulate the stationary anchorage and moorings of vessels within their jurisdiction; to prevent and remove nuisances, and to prevent the introduction of contagious or infectious diseases within the said City, by

General pow-
ers of the
Mayor, Al-
dermen and
Common
Council.

regulating the approach of vessels having sick on board, and the landing the sick; or of articles calculated to produce disease, and by providing one or more places for the reception of the sick, or by any other lawful means whatsoever; to establish night watches and patrols, and to erect lamps; to provide for licensing and regulating retailers of liquors within the limits of said corporation, and to fix the sum to be paid for the same, and annulling the same on good and sufficient complaint being made against any person holding such license; for the regulating hackney coaches, carriages, wagons, carts and drays, and for licensing the same; and for the regulating of pawnbrokers within said City; to restrain or prohibit gambling, and to provide for licensing and regulating theatrical and other public amusements within the City; to establish and regulate markets; and to rent out the stalls in the same; saving and reserving, however, at least two stalls in each and every market, for the use of country people who may attend the same with marketable supplies; and to prohibit the selling of meats, poultry, fish or game, except at the public market or markets; to erect and repair bridges; to keep in repair all necessary streets, avenues, drains and sewers, and to pass regulations necessary for the preservation of the same; to provide for the licensing of chimney sweepers, and regulating the sweeping of chimneys, and fixing the rates thereof; to establish and regulate fire wards and fire companies; to sink wells, and erect and repair pumps in the streets; to impose and appropriate fines, penalties and forfeitures, for the breach of their ordinances or by-laws; to enact by-laws for the prevention and extinguishment of fires, and if necessary, to remove or pull down buildings or fences for the prevention of the spreading of the same; to erect or establish Hospitals or Pest Houses, Work Houses, Houses of Correction, Penitentiary, or other buildings for the use of the City, or to join with the County of Mobile in the erection of the same; and to have a joint control over the same with the public authorities of the County; and to levy and collect taxes as prescribed by this act for defraying the expenses thereof, and of all other necessary purposes; to regulate party and other fences, and to determine by whom the same shall be made and kept in repair; to restrain and prohibit the nightly and other meetings or disorderly assemblies of slaves, free negroes and mulattoes, to punish such slaves by whipping, not exceeding twenty stripes; and to punish such free negroes and mulattoes, and other persons for such offences, by affixing penalties not exceeding fifty dollars for any one offence, and in case of the inability of any such free negro, mulatto or other person, to pay and satisfy any such fine or penalty and costs thereon, to have such free negro, mulatto or other person, to be confined to labor for such reasonable time, not exceeding three calendar months for any one offence, as may be deemed equivalent to such penalty and costs, which said labor shall be such as shall be designated

by the said Mayor, Aldermen and Common Council, for the general benefit of said City; to cause all vagrants, idle or disorderly persons, all persons of evil life or ill fame, and all such as have no visible means of support, or as are likely to become chargeable to the City as paupers, or are found begging or drunk in or about the streets, or loitering in or about tippling houses, or who can show no reasonable course of employment in business in the City; all who have no fixed place of residence, or cannot give a good account of themselves; all who are grossly indecent in language or behavior publicly in the streets, and all public prostitutes, or such as lead a notoriously lewd or lascivious course of life, to give security for their good behavior for a reasonable time, and to indemnify the City against any charge for their support; and in case of their inability or refusal to give such security, to cause them to be confined to labor for a limited time, not exceeding four calendar months, unless such security shall sooner be given, which said labor shall be designated by the said Mayor, Aldermen and Common Council, for the general benefit of the said City; and that the labor so designated may be carried into effect, the said Mayor, Aldermen and Common Council, shall have power to appoint a person or persons to take those so confined and sentenced to labor, from their place of confinement to the place appointed for their working, and watch them while at labor, and return them before sun-down to the place of confinement; and if they shall be found afterwards offending, such security may again be required, and for want thereof, the like proceedings may again be had, from time to time, as often as may be necessary; to levy taxes on all slaves brought to the City for sale by any merchant, trader or dealer; to take care of, remove, preserve, designate and regulate all burying grounds within the City; to regulate weights and measures, appoint inspectors of lumber, fire wood, flour, beef, pork, fish, and all other salt provisions whatsoever; and to pass all such resolutions, by-laws and ordinances, as they, or a majority of them, may deem requisite and necessary for the good government of the said City, not contravening the laws of the State of Alabama.

General powers, &c.

Sec. 16. *And be it further enacted*, That the Mayor and each of the Aldermen, and each member of the Board of Common Council, shall be conservators of the Peace in and for the City of Mobile, and shall have power to examine and commit or discharge on bail, all persons charged with offences not capital, in the same manner as Justices of the Peace, but shall exercise no other judicial functions whatever, and shall not receive any fees or perquisites; and the Mayor shall have authority concurrent with a Justice of the Peace, to arrest and commit to prison, deserting seamen and mariners from vessels in the merchant's service, under the provisions of an act, passed at the fifth annual session of the General Assembly, "entitled an act

Board to be conservators of the peace, with powers, &c.

in relation to seamen belonging to vessels in merchant's service.

Mayor to see
that laws are
executed.

Sec. 17. *And be it further enacted*, That it shall be the duty of the Mayor to see that the laws of this corporation be duly executed, and he shall hold a court once in each day of the week, Sundays excepted, for the trial of all offenders against the laws and ordinances, he shall report the negligence, or misconduct of any officer to the Boards of Aldermen and Common Council, he shall lay before said Boards, from time to time in writing, such alterations in the laws of the corporation, or measures for its good government, or interest, as he may deem necessary and proper, and shall receive such salary, not less than fifteen nor more than twenty-two hundred dollars annually; which salary shall be fixed by the two Boards, at their first meeting after their election, and said salary shall not be increased or diminished during the period for which he shall have been elected.

Ordinances,
&c. how orig-
inated and
passed.

Sec. 18. *And be it further enacted*, That all ordinances and resolutions may originate in either Board, but shall be passed by a majority of a quorum of each; a quorum for the transaction of business shall consist of not less than a majority of each Board; every ordinance which shall have been passed by both Boards, shall be presented to the Mayor for his approval and signature, and if he approves and signs the same, it shall become a law, and if he should not approve it, he shall return it with his objections, to the Board from whence it emanated, and at its next regular meeting, in case of his non approval, or failure to return as aforesaid, a vote of two-thirds of each Board shall make it a law.

To levy taxes

Proviso.

Manner of
laying taxes.

Sec. 19. *And be it further enacted*, That the said Mayor, Aldermen, and Common Council shall have power to lay taxes on both the personal and real estate within said City, as well as a poll tax upon all the inhabitants: *Provided*, That the said tax upon the personal and real estate be laid in pursuance of an assessment and valuation of the said personal and real estate to be made by some discreet person or persons thereto appointed as assessor or assessors by the said corporation; which tax shall be laid in the manner following: The said assessment or valuation when completed, containing all the property, as well as the names of the owners thereof, shall be lodged with the Clerk of the corporation, and the Mayor, Aldermen, and Common Council shall assess so many cents on the dollar, making no distinction as to any person; and which assessment or valuation, together with the names of the persons liable to taxation, with the tax laid thereon shall be open for inspection to all and every person interested therein; and the said Mayor, Aldermen, and Common Council shall give ten

days public notice in some public newspaper printed within the limits of the City of Mobile, that the said assessment or valuation, together with the tax laid thereon, is ready for inspection; and if any person shall be dissatisfied with said assessment, or valuation, or tax laid thereon, he shall give notice to the Mayor, Aldermen, and Common Council, to alter said assessment or valuation, together with the tax assessed thereon, as to them shall seem meet; but their decision shall be final as to all questions or objections that may be brought before them in reference to the said assessment or valuation, and the tax assessed thereon as aforesaid; and after twenty days have elapsed from giving the notice, that the said valuation or assessment, together with the tax assessed thereon as aforesaid, are ready for public inspection, the said Mayor shall issue his warrant, annexed to the tax list, to the collector of the corporation, containing a description of the real estate taxed, together with the valuation and the taxes assessed thereon; and also the amount of the personal property valued or assessed to each person, together with the tax assessed thereon, and the name of each person liable to a poll tax, and the amount of such poll tax laid.

Sec. 20. *And be it further enacted*, That the taxes on real and personal property and all other taxes and dues, assessed in the manner aforesaid, and the several assessments shall have the force and effect of a judgment at law against the individual assessed with the same. It shall be the duty of the Tax Collector, after giving thirty days notice in some public newspaper printed in the City of Mobile, that the City taxes, (or the particular tax or due, as the case may be,) are required to be paid to him on or before a certain day specified; if the same shall not be paid, to levy on the personal estate of the individual or corporation assessed, and to sell the same or so much thereof as shall be sufficient to pay the tax assessed, and one dollar to the tax collector for making the levy and sale, and the sale shall be advertised for the space of ten days at the Mayor's office.

Tax Collectors duty, when taxes are not paid.

Sec. 21. *And be it further enacted*, That if any real estate shall be assessed to unknown owners, or to persons who are known, and the taxes or dues assessed on them shall not be paid, and cannot be collected by a levy and sale of personal property by the means provided by the foregoing section, within sixty days from the time when the said taxes or dues are required to be paid, then the tax collector shall give notice in some newspaper printed in the City of Mobile, or by a printed sheet circulated therewith, and also kept for public inspection at the Mayor's office, as shall be deemed most expedient, and least expensive to the City, of the lots and real estate on which the taxes are unpaid, (describing the same by such numbers and abbreviations, as will indicate the lot to be sold,) and that

Tax on property, where owners are unknown, how collected

he will, at a certain time and place named in the advertisement, proceed to sell such of the lots and lands, upon which the taxes and dues shall not be paid, or so much thereof as shall be sufficient to pay the same; and on the day appointed or on such day as he may adjourn the sale, the tax collector shall proceed to sell any lot on which the taxes and dues shall not be paid, or so much thereof as will satisfy the tax, and one dollar as a fee for the advertisement and sale, and a certificate thereof.

Form of certificate to be given to purchaser.

Sec. 22. *And be it further enacted*, That the tax collector shall give to the purchaser at such sale, a certificate to the following effect: I, ———, tax collector of the City of Mobile, do hereby certify that the City taxes for the year 18—, (or the particular tax or assessment, as the case may be,) being due and unpaid on a lot of land in the said City, bound and described as follows: [Here shall be inserted a description of the lot by metes and bounds.] I have this day sold the same (or such undivided fractional part as he may sell,) to ———, who has paid the taxes thereon, amounting to ——— dollars, including my fee of one dollar, for the said sale, advertising, and this certificate; and by virtue of the authority to me given by law, I authorize the said ———, and his assigns to hold the said premises until the same shall be redeemed according to law. Witness my hand and the seal of the corporation, this ——— day of ——— 18—. And the Mayor shall cause the seal of the City to be affixed to the said certificate. The tax collector is hereby empowered, and it shall be his duty to put the purchaser in possession of the premises sold to him, within thirty days after the sealing of the certificate; which shall be evidence of a right to possess the premises therein specified, and to retain the possession until the same shall be redeemed in the manner herein-after provided.

Purchaser to put in possession of property.

Record to be kept of certificates.

Sec. 23. *And be it further enacted*, That it shall be the duty of the Mayor to cause the clerk of the corporation, or such other person as may be charged with the duties, to record each of the said certificates in a well bound book, to be kept for that purpose, before he shall permit the seal of the City to be affixed, and no other fees or charges shall be received for the advertising, said certificate, seal, and record, than is prescribed in this act.

Sec. 24. *And be it further enacted*, That any lot thus sold may be redeemed within twelve months from the day of sale by any person claiming title, who will deposite with the Treasurer of the City of Mobile, for the use of the purchaser, the amount of the loan and fees so paid, and twenty-five per cent. on the same; and thereupon the title created by the certificate aforesaid, shall wholly cease and determine; and the purchaser, and all others claiming under him, shall relinquish the

possession, and shall after notice of the said redemption, be deemed unlawful and forcible detainers of said lot, and liable as such, to any suit or action, at the instance of any one entitled to the possession; and the said lot may in like manner, be redeemed by any person claiming title at any time after three months, and within five years from the time of sale, by paying into the office of the City Treasurer as before provided, the amount of the taxes, fees, and interest, thereon at the rate of twenty-five per cent. per annum from the day of sale, and on such payment being made, the title created by the certificate shall cease and determine on the first day of November next, after the said payment; and the purchaser, and all others claiming under him shall relinquish the possession, and after notice of the said redemption shall be deemed unlawful and forcible detainers, and as such, liable to any suit or action, at the instance of any one entitled to the possession.

Property sold
for taxes, how
redeemed.

Sec. 25. *And be it further enacted*, That it shall be the duty of the Treasurer of the City of Mobile, to give any person who shall redeem any lot sold for taxes, a certificate to the following effect: "I, ———, Treasurer of the City of Mobile, do hereby certify that ———, claiming title to a certain lot in the City of Mobile, known and described as follows, (here shall be marked a description of the lot by metes and bounds,) has this day paid into my office, for the use of the purchaser, the sum of ——— dollars, being the amount for which said lot was sold, the fees thereon and twenty-five per cent. on the same, (or interest on the same at the rate of twenty five per cent. per annum, as the case may be,) the said lot is therefore redeemed. Witness my hand and seal, at the City of Mobile, this — day of —, 18—." And it shall be the duty of the Mayor to cause the seal of the City to be affixed to the certificate, which shall be recorded in the same book as the certificates issued by the Tax Collector; and the Treasurer shall be entitled to receive a fee of one dollar for the said certificate.

Form of
Treasurer's
certificate to
purchaser.

Sec. 26. *And be it further enacted*, That if the lot so sold shall not be redeemed within the period of five years from the day of sale, the purchaser, his heirs or assigns, may perfect the title to the lot purchased, by publishing the certificate issued by the Tax Collector for the term of three months, in some newspaper printed in the City of Mobile, with the following notice subjoined: "All persons claiming an interest in the above described lot, are required to exhibit their claims, by commencing suit against me in the Circuit Court of Mobile County, within six months from the date of this advertisement, or their claims will be forever barred;" and if no suit is commenced within the said term of six months, the title under the certificate shall be complete and perfect; and if suit is commenced within six months after publication of such notice, no damages shall be recovered, nor shall a writ of possession issue in the event of a

Title to prop-
erty sold,
when and
how made
perfect.

recovery, unless the plaintiff shall pay the taxes due on the same, the fees, and interest, at the rate of twenty-five per cent. per annum on the same, and the costs of the advertisement, to be adjudged by the Court on the suggestion of the defendant: *Provided, however,* That no estate of any infant, *feme covert* or insane person shall be barred, if they commence their action within three years after the removal of their disability to sue.

Proviso.

Certificates
in evidence,
&c.

Sec. 27. *And be it further enacted,* That the certificates aforesaid shall be conclusive evidence of the regularity of all previous proceedings, and this act shall be construed as a remedial act.

Liability of
Tax Collector.

Sec. 28. *And be it further enacted,* That the tax collector shall be charged and accountable for, the whole amount of the assessed taxes for each year; and he shall only discharge himself from such accountability by showing an account of the entire insolvency of the persons assessed, and by showing that the amount of his account cannot be collected by the exercise of the means given by the foregoing sections.

Taxes to operate
as a lien
until paid.

Sec. 29. *And be it further enacted,* That such part or portion of the assessed taxes as cannot be collected by the means before stated, shall continue a lien on the property assessed until paid, and the tax collector shall be authorized from time to time to offer and expose to sale under the foregoing provisions such lots as shall not have the tax paid thereon, and the same certificates shall be given in cases of any subsequent sale, and similar proceedings shall be had thereon.

Liability of
purchaser on
failing to pay
subsequent
taxes.

Sec. 30. *And be it further enacted,* That if any purchaser of a lot under a sale by a tax collector, shall fail or omit to pay any subsequent tax or assessment, he shall forfeit all right under his certificate, and shall be bound to relinquish the possessions; and if the said lot shall be subsequently sold for taxes, the person so holding under the first sale shall after notice, be deemed guilty of unlawful and forcible detainer, and shall be liable to any suit or action at the instance of any person entitled to its possession.

Poll tax to be
levied on foreigners.

Sec. 31. *And be it further enacted,* That the said Mayor, Aldermen and Common Council shall have power to lay a poll tax of not exceeding two dollars on each and every passenger arriving at or coming to the port of Mobile, from any foreign State or Kingdom, in or on board any vessel, steam boat, or other water craft, except such as are employed on any of the rivers leading to the port of Mobile, which poll tax shall be collected and paid into the city treasury for the use of the City Hospital.

Assessors,
when elected.

Sec. 32. *And be it further enacted,* That the assessors of taxes for the succeeding municipal year, shall be elected on the first Monday of November next ensuing, or as soon thereafter in said month as practicable, and on the same day annually

thereafter, and they shall be required to enter forthwith upon their duties as assessors, and complete and return their assessment to the said corporation on or before the first Monday in January next after their appointment: *Provided*, That the assessors and collector of taxes of the said city to be hereafter elected shall be freeholders within the corporate limits of said city.

Sec. 33. *And be it further enacted*, That the amount of taxes to be levied and collected under the provisions of this act shall at no time exceed the sum of forty cents on each one hundred dollars of the value of the property assessed. Amount of taxes.

Sec. 34. *And be it further enacted*, That the Harbour Master and Port Wardens of the Port of Mobile shall be elected by the Mayor, Aldermen and Common Council, in convention, at the same time at which the other officers of said city are elected. Election of Harbor Master and Port Warden.

Sec. 35. *And be it further enacted*, That the Harbour Master and Wardens of the Port of Mobile, be, and they are hereby authorized to point out and direct where ballast shall be discharged in or about the Bay of Mobile; and that the master or officer of any vessel or other person, who may violate such direction after the same shall have been given or published, and discharge the same at any other than the place or places pointed out as aforesaid, shall forfeit and pay the sum of five hundred dollars for every such offence, with costs, to be recovered before any court having competent jurisdiction, at the suit of the Harbour Master; one half of which shall be paid to the person or persons giving information of the same, and the other half to the use of the city of Mobile. Duties of.

Sec. 36. *And be it further enacted*, That all negroes that are or may be brought or sent within the limits of the city by any person or persons whatsoever for sale or hire, shall be duly registered in a book kept for that purpose in the clerk's office of said city, and the Mayor, Aldermen and Common Council shall have power to regulate and prescribe the manner and places of selling or hiring such slaves, and the manner and places of exhibiting the same for sale or hire. Slaves, &c.

Sec. 37. *And be it further enacted*, That the Mayor shall, from time to time, appoint such a number of watchman to guard and protect the City as may be designated by the Boards of Aldermen and Common Council; and the watchmen so appointed shall be subject to his control in the discharge of their duties, and may at any time be removed by him for any misconduct or neglect of duty. Watchmen.

Sec. 38. *And be it further enacted*, That the Boards of Mayor, Aldermen and Common Council, shall have power to require the fencing or enclosing any vacant lot within the limits

Vacant lots,
side walks,
&c.

of the City; to require lots to be cleansed and cleared of all such nuisances as to the said Boards may seem necessary to be removed; to require side-walks to be made fronting any lots within the corporate limits; and in every instance where no owner or agent can be found to make such cleansing and improvements, or in case of the refusal or neglect of the owners or agents to comply with the orders of the authority aforesaid, then the said Boards may cause the same to be done; and let out such lot or lots for such term of time as will cover the expenses incurred in so cleansing or improving any such lots, having first given ten days' public notice thereof, in one of the newspapers published in the City of Mobile.

Buildings,
how regulat-
ed, &c.

Sec. 39. *And be it further enacted*, That the Mayor, Aldermen and Common Council shall have full power and authority to prohibit and prevent the erection and construction of all kind of wooden or other buildings, except those erected or constructed of brick or stone, and covered with slate or metal, and within such limits as they may deem best for the safety of the City.

Liability for
building
wooden hou-
ses, &c.

Sec. 40. *And be it further enacted*, That if any person or persons shall, either directly or indirectly, build or cause to be built, or shall knowingly suffer or permit any wooden or other building or buildings, except as aforesaid, to be erected, built or put up, on his or her or their lot or lots, within such limits and boundaries as may be designated by the said Board of Mayor, Aldermen and Common Council, such person or persons so offending against the provisions of this act, shall for each and every day he, she or they shall continue so to offend, forfeit and pay the sum of fifteen dollars, to be recovered before the Mayor, or any one of the Aldermen or Common Council of said City.

Wooden
buildings,
may be re-
moved.

Sec. 41. *And be it further enacted*, That the Mayor, Aldermen and Common Council for the time being, and their successors in office, shall be fully authorized and empowered to remove such wooden or other buildings as have been erected since the first day of January, in the year of our Lord, eighteen hundred and twenty-nine, except those constructed of brick or stone, as have been or may be erected, built or put up within the limits to be defined as aforesaid by said corporation, which removal shall be at the expense of the City: *Provided, always*, That the said Mayor, Aldermen and Common Council be of opinion that the protection of said City, and its safety and security from fire, will be increased by the removal of said wooden or other buildings: *And provided, also*, That they first pay to the owner or owners thereof, such equitable compensation in damages, as a jury of freeholders in said City, to be summoned and sworn, as in other cases, by the Mayor for the time being, shall be of opinion that he, she or they may sustain thereby.

Proviso.

Sec. 42. *And be it further enacted*, That for any default of

attendance of any juror who may be drawn and summoned under the provisions of this act, such juror shall and may be fined by the Mayor or any one of the Aldermen or Common Council, in a sum not exceeding twenty dollars: *Provided*, That a reasonable excuse, made on oath by such defaulting juror, shall exempt him from the payment thereof.

Default of Jurors.

Proviso.

Sec. 43. *And be it further enacted*, That all physicians who may be appointed by the said Mayor, Aldermen and Common Council, to carry into effect their ordinances in reference to the preservation of health in the City of Mobile, shall be obliged to give their opinions in writing, when thereto requested by the said Mayor, Aldermen and Common Council, touching any contagious or malignant fever prevailing within the limits of said City of Mobile, or any disease, matter or thing which affects the health or lives of the inhabitants of said City.

Duty of Physicians.

Sec. 44. *And be it further enacted*, That the said Mayor, or either of the said Aldermen or Common Councilmen shall issue his process as a Justice of the Peace for the City of Mobile, for offences committed under this act, and for a breach of all or any of the by-laws or ordinances of the said corporation to the Marshal, or any one of the Police Constables appointed by the said corporation, who shall bring the offenders, in pursuance of the said process, before the said Mayor, or the Aldermen, or Common Councilmen aforesaid, and the said Mayor, the Aldermen, or Common Councilmen, who may have issued the process, shall proceed to try the offenders, and examine all witnesses that may appear, or be subpœnaed before him, both on the part of the corporation, and on the part of the delinquent, and give judgment as to him shall appear just and legal; and if the said person or persons, who may be brought before the said Mayor, Aldermen, or Common Councilmen shall be dissatisfied with the decision of the said Mayor, Aldermen or Common Councilmen, he, she, or they, may forthwith appeal to the circuit or county court of Mobile county, in all cases where the judgment shall exceed twenty dollars; and the said person or persons shall give a bond with good and sufficient security, to pay and satisfy the judgment with costs, in case the judgment of the said Mayor, Aldermen, or Common Councilmen, should be affirmed by the said circuit or county court; and the proceedings thereon shall be as are prescribed by law in other cases of appeals.

Mayor, Aldermen or Councilmen may issue process.

Sec. 45. *And be it further enacted*, That the said corporation be, and they are hereby authorized to cause a complete and accurate survey to be made of the said City agreeably to the courses and limits prescribed in this act, and to establish and fix from time to time permanent boundaries, at such places

Survey to be made of the City.

as they may deem necessary and proper for perpetuating the boundaries of said City, and to cause the squares, into which the City now is or hereafter may be divided, to be numbered, beginning at such point as the said corporation may designate and progressing with the same in the manner they may direct, and also to cause the front and depth of each lot so numbered to be measured, and specified on the survey of the said City; and after the said survey shall have been so made and approved by the corporation, the same shall be admitted to record in the office of the clerk of the county court of Mobile county; or in such office as at the time of completing said survey, shall or may by law be appointed for recording deeds.

Streets, how
made repair-
ed, &c.

Sec. 46. *And be it further enacted*, That it shall not be lawful for the Mayor, Aldermen, and Common Council of the City of Mobile, to make any new streets, or to make any alteration, improvement, or repairs of any already made, of which the whole cost and expenses shall exceed five hundred dollars, unless upon the written application of the owners of at least one-fourth in quantity of the property through or over which such new street, alteration, improvement, or repairs are desired to be made; and it shall be the duty of the Mayor to give notice of such application, for thirty days, in the newspapers of Mobile, or some one of them, in order that persons interested therein may signify their objections to the same, and if, after the expiration of such notice, the Board of Aldermen and Common Council ordain the making, alteration, improvement, or repair of such street, it shall at the expense of those benefited by the same; and it shall be the duty of the Mayor to empanel a jury of twelve freeholders of the City of Mobile, who shall assess the property benefited by, and adjacent to the proposed new street, alteration, improvement, or amendment, the fractional part of the whole sum paid or expended, or directed by ordinance to be paid or expended, which assessment shall be a lien on the property, and collected by the said corporation in like manner as the taxes on real estate are collected under the provisions of this act; and if the new street, alteration, improvement, or repairs shall be requested by the owners of one-fourth part of the property in manner aforesaid, and the same shall be made by reason of any ordinance of the corporation, the several parties benefited as aforesaid, shall be compelled to contribute to the expense of making the same, although the forms prescribed by this section may not have been strictly complied with, and the request and ordinance shall alone be deemed essential to create the claim for contribution: *Provided*, That the street called and known by the name of Government Street shall be, and is hereby declared to be a hundred feet

wide; and it shall be the duty of the said corporation to designate and distinctly mark out the northern limits of said street, according as the same were established by the Spanish Government, as nearly as can be ascertained by the Spanish records, by the records of the Land Office, or by any other evidence, which they may deem necessary or satisfactory, and the limits when so ascertained, marked out and designated, shall be the permanent northern boundary of said street.

Sec. 47. *And be it further enacted*, That the said corporation shall have power, and they are hereby authorized to alter and change the names of streets of the said City, whenever they may deem it expedient, and they shall mark the names when so altered and changed, together with the original names thereof, on the map of said City. Names of streets may be changed.

Sec. 48. *And be it further enacted*, That the fifth and seventh sections of an act entitled "an act to enable the corporate authorities of the City of Mobile, to provide for the security and payment of the debts of said City, and for other purposes," approved the eleventh of February, one thousand eight hundred and forty-three, be, and they are hereby so altered and amended as to empower and authorize the corporate authorities aforesaid, to assess and collect a license tax from all persons (mechanics carrying on their trades or journey work excepted,) trading, or carrying on any business, trade, or profession within the limits of said City, and the assessment to such person or persons of a tax on real or personal estate shall not be an exemption from the payment of said license tax: *Provided*, Such license tax shall in no case exceed twelve dollars, except when the same may be granted to retailers of liquors, keepers of taverns, billiard tables, or nine or ten pin alleys, circus, or theatrical exhibitions, or other exhibitions for public amusement. Licenses on traders, &c.

Sec. 49. *And be it further enacted*, That all acts and parts of acts inconsistent with this act, or with any provisions thereof, except the act entitled an act to enable the corporate authorities of the City of Mobile to provide for the security and payment of the debts of said City, and for other purposes, approved eleventh February, one thousand eight hundred and forty-three, and except also, the eighteenth section of an act entitled an act to alter and amend the charter incorporating the City of Mobile, passed December twenty-fourth, one thousand eight hundred and twenty-four, which provides for the repeal of the act to incorporate an Aqueduct Company in the City of Mobile, be, and the same are hereby repealed. Repeal.

Sec. 50. *And be it further enacted*, That the term for which the Mayor and the Board of Aldermen and Common

Powers ex-
tended.

Council were elected on the first Monday of November, one thousand eight hundred and forty-three, which by law, expires on the first Monday of November, one thousand eight hundred and forty-four, shall be extended to the first Monday of December thereafter, with all the power and authority by law now vested in them, and that said Boards are hereby authorized to extend by ordinance or resolution, the several incumbents of municipal offices, in their respective stations from and after the said first Monday in November, as if duly elected or appointed in pursuance of law, until the first Monday in December thereafter.

Approved 15th January, 1844.

JOINT RESOLUTIONS AND MEMORIALS.

JOINT RESOLUTIONS

In relation to the preservation of the Faith and Credit of the State.

Be it resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the preservation of the faith and credit of the State of Alabama, is an object of the deepest solicitude with this General Assembly, and one worthy of the most zealous energies of every patriotic citizen.

Resolved further, That this General Assembly look with pride and pleasure upon the fact, that, while other States, with more abundant sources of available revenue, have failed to meet punctually their pecuniary engagements, Alabama has faithfully and fully complied with her own, and has, at all times, been ready to discharge promptly, the interest upon her liabilities, as it became due.

Resolved further, That this General Assembly regard the pecuniary liabilities of the State of Alabama, as binding upon her citizens, both in law and conscience; and that her people are too honest, and her legislators too trustworthy, to attempt any measure, of which the result would be, either directly or indirectly, to impair confidence in her honor, or awaken just anxieties in the minds of her creditors.

Resolved further, That, with a sincere confidence in the honesty of the people of the State of Alabama, and a like assurance of their entire resignation to the imposition of such pecuniary burdens as may be necessary to maintain the faith and credit of the State, we pledge ourselves, each to the other, to the maintenance of a spirit of all proper economy and retrenchment in our State expenditures, and to the discontinuance of all attempts to blot the fair escutcheon of our commonwealth with the odious stain of repudiation.

Approved, 17th January, 1844.

JOINT MEMORIAL

To Congress, in relation to a certain Mail Route, therein named.

WE, the Senate and House of Representatives of the State of Alabama in General Assembly convened, would respectfully represent, that at present, a large, respectable, and enterprising portion of the citizens of this State, are cut off from speedy communication with the Seat of Government of our State.

We would further represent, that, a weekly stage line from Tuscaloosa to Tuscumbia, would remedy this deprivation. The line leaving Tuscaloosa, and passing through New Lexington, leaving the Byler turnpike at some convenient point, passing through Russellville or Newbergh, thence to Tuscumbia, where it would intersect with the great line from Nashville to New Orleans, and also with the great southern route from Charleston to Memphis.

We believe such a line is demanded by the wants of the people whose agricultural and commercial interests are involved in the establishment of such line: Therefore,

Section 1. *Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That our Senators in Congress be instructed, and our Representatives requested, to use all fair and honorable means to procure the passage of an act by Congress, establishing such line.

Sec 2. *And be it resolved*, That the Governor be requested to furnish each of our Senators and Representatives in Congress, with a copy of these Resolutions.

Approved, 13th January, 1844.

JOINT RESOLUTION

For the relief of Hudson W. Nelson, Tax Collector of Shelby County.

Section 1. *Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Hudson W. Nelson, tax collector of Shelby county, for the year one thousand eight hundred and forty-three, be, and he is hereby allowed until the first day of March next, to complete the collection of taxes of said county, and to make final settlement and payment of the State and County tax of said county: *Provided*, That the securities of said Hudson W. Nelson, give their assent thereto, in writing, to be filed in the office of the clerk of the county court of said county, any law or usage to the contrary notwithstanding.

Approved, 17th January, 1844.

JOINT RESOLUTIONS

Rescinding a certain Contract therein named.

WHEREAS, it appears from the petition of the inhabitants of township seventeen, range one, east, in the county of Marengo, that they are desirous that the contracts for the sale of their sixteenth section, be rescinded: Therefore,

Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the contract made by Benjamin Cheney, William T. Cheney, H. B. Mitchell, and Jacob Mitchell, and the School Commissioners of township seventeen, range one, east, in the county of Marengo, for the purchase of the sixteenth section, in said township, be, and the same is hereby rescinded and annulled; and the notes executed by the above mentioned first parties, are hereby declared null and void.

Resolved further, That the Banks holding said notes on deposit, are hereby required to deliver them to the parties entitled to them under the provisions of these resolutions.

And be it further resolved, That upon delivery of said notes to the payors, or their order, all the rents, rights, profits, and title to said sixteenth section, shall revert and belong to the inhabitants of said township, in as full, perfect, and complete a manner, as if no sale thereof had ever been made: *Provided*, That the purchasers of said sixteenth section, and a majority of the qualified voters of said township, assent to the rescission of said contract.

Approved, 13th January, 1844.

 JOINT RESOLUTION

In relation to certain Mail Routes.

Section 1. *Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That our Senators be instructed, and our Representatives be requested, to use their best efforts to procure the establishing of a daily mail route from Montgomery in Alabama, via Franklin, Oak Bowry, and Cusetah to West Point, Georgia, from thence to Madison in Georgia, via La Grange, Greenville, and Griffin; and also, to make the Post Office at Tuscaloosa a distributing office; and also, to establish a line of four horse coaches, to be run three times a week, between Courtland and Tuscaloosa, and a tri-weekly route from Elyton, in Jefferson county, to Cedar Bluff, in Cherokee county, via Ashville and Tuskegee town.

Approved, 16th January, 1844.

JOINT RESOLUTIONS

Of Instruction, on the subject of changing the Constitution of the United States.

The Committee on Federal Relations, to which was referred certain Resolutions of the State of Massachusetts, proposing to change the Constitution of the United States, in such manner as to deprive the slave holding States of their present proportion of representation in Congress, have had the subject under consideration, and instructed me to report the following resolves, and respectfully ask their passage :

The General Assembly of the State of Alabama will, in no event, give countenance to this proposition of Massachusetts. The provision proposed to be stricken from the Constitution, contains within it, the terms upon which the Union was formed, and any attempt now to change it, and thereby disturb the confederacy, ought not to be made. Alabama views all such attempts as evidences of bad faith on the part of a sister State ; having a direct tendency to weaken the bonds of mutual interest and good feeling which has hitherto bound us together : Therefore,

Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the proposition of Massachusetts so to change the Constitution of the United States, is considered wholly inadmissible by the people of Alabama.

Resolved further, 1st. That our Senators in Congress be instructed, and our Representatives requested, to use their utmost exertions against the proposed amendment of the Constitution of the United States to exclude the representation of "three-fifths of all other persons."

2nd. *And be it further resolved,* That it be made the duty of His Excellency the Governor, to forward a copy of the foregoing resolutions to each of our Senators and Representatives in Congress.

Approved, 17th January, 1844.

 JOINT RESOLUTION

In regard to the State of Georgia.

Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the State of Alabama will support the State of Georgia in all proper and needful enactments, intended to enable the State of Georgia to sustain herself against aggressions upon her rights of sovereignty; among which we hold the right to pass laws preventing the ingress of free negroes into her territory.

Approved, 17th January, 1844.

JOINT RESOLUTION

For the relief of Lorenzo Walker, and his wife Pheraba, of Fayette County.

WHEREAS, Lorenzo Walker, a free man of color, and his wife, Pheraba, who are both now, and for some years have been, citizens of the county of Fayette, have been emancipated by their master, Robert Logan, in due form of law ; and whereas, by their industry, perseverance, and general good deportment, the said Lorenzo Walker and his wife Pheraba, have accumulated property in said county; and whereas, the said Lorenzo, and his said wife, have ample testimonials of good character: Therefore,

Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the said Lorenzo Walker, and his said wife, in consideration of the premises, be, and they are hereby allowed and permitted, to remain in the said county of Fayette, as if there were no law to the contrary : *Provided,* The said Lorenzo Walker, and his said wife, give bond, with good and sufficient security, to be approved by the Judge of the County Court of said county, in the sum of twelve hundred dollars, conditioned for their good behaviour while residents in said county ; and conditioned further, that neither of them shall ever become a charge upon any town or county in this State.

Approved, 10th January, 1844.

JOINT RESOLUTIONS

Of the Senate and House of Representatives of the State of Alabama,
upon the subject of Postage.

WHEREAS, serious inconvenience has resulted to the citizens of this State, from the existing rates of postage on letters; and whereas, we believe that the Post Office charges should be regulated by the national currency : Therefore,

Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That our Senators in Congress be instructed, and our Representatives requested, to use their best exertions to modify the present charges on letters, so as to comport with our national currency.

Resolved further, That the Governor be requested to transmit a copy of this preamble and joint resolutions to our Senators and Representatives in Congress.

Approved, 15th December, 1843.

JOINT RESOLUTIONS

Relative to Manufactures within the State Penitentiary.

Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the Inspectors of the State Penitentiary, be required to ascertain, by correspondence, from such sources as will be most likely to afford correct information, the amount, kind, and cost of the various articles of machinery, as well as of the character and cost of any additional buildings, if any, necessary and proper to be used in the Penitentiary, for the manufacture of rope and bagging from cotton and hemp, or from either separately; also, the number of convicts necessary to be employed at the machinery for the manufacture of either cotton or hemp into the above articles.

Resolved further, That the Inspectors be required to ascertain the exact cost to the State, of the manufacture of each and every species of manufacture now carried on in the Penitentiary.

Resolved further, That the Inspectors be required to report to the next General Assembly, fully and in detail, the result of their inquiries upon the subject contained in the foregoing resolutions; and that they accompany their report with such correspondence as they may have had in reference to the subject.

Approved, 16th January, 1844.

JOINT RESOLUTION

In regard to a portion of the Sixteenth Section, Township twelve, Range twenty-three, in the County of Pike.

WHEREAS, Elisha A. Sellers did become the purchaser of a portion of the sixteenth section of township twelve, of range twenty-three, and complied with the terms of said purchase, by giving his several notes: And whereas, on application at the Branch Bank at Montgomery, to pay the last note due under said purchase, the same could not be found in Bank:

Be it therefore resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That on the full payment of the balance due on account of said purchase, that the usual certificate, as now required by law, be given by the Branch Bank at Montgomery, whereby a patent may issue to the said Elisha A. Sellers.

Approved, 17th January, 1844.

JOINT RESOLUTION

Authorizing W. W. Frierson, to receive and receipt for the balance due the late Quarter Master General of Alabama, by the State.

Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That William W. Frierson, son of Elias Frierson, late Quarter Master General of the State of Alabama, be, and he is hereby authorized, to receive and receipt for the balance due his father, at his death, as Quarter Master General, for the State of Alabama.

Approved, 15th January, 1844.

 JOINT RESOLUTION

Of the General Assembly of the State of Alabama, in relation to the Real and Personal Property belonging to the State Bank and Branches.

Resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the Governor be, and he is hereby authorized, to cause the sale of all, or any portion of the real or personal property, belonging to the State Bank, or either of the Branch Banks, to be postponed to some future day, not beyond the first Monday of April, one thousand eight hundred and forty-four, if, in his opinion, the interest of the State will be promoted by such postponement.

Approved, 23d December, 1843.

 JOINT RESOLUTIONS

Authorizing a rescision of the Contract of Sale for Section Sixteen, Township eleven, Range one, west, in the County of Washington.

Section 1st. *Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Commissioners of the sixteenth section in township eleven, range one, west, in the county of Washington, be, and they are hereby authorized to rescind the contract of sale heretofore made with George W. Gaines, for said sixteenth section: *Provided,* That said Gaines,

and a majority of the qualified electors of the said township, shall assent in writing to such rescission, which writing the said commissioners shall cause to be filed in the office of the clerk of the county court of said county.

Sec. 2d. *And be it further resolved*, That the Cashier of the Branch of the Bank of the State of Alabama, at Mobile, shall be, and he is hereby authorized and required, to deliver to the said George W. Gaines, the notes executed for said sixteenth section, on his producing a certificate from the commissioners of said section, that the contract of sale has been rescinded.

Approved, 15th January, 1844.

JOINT RESOLUTION

In relation to Sixteenth Section Debtors.

Section 1. *Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the President and Directors of the State Bank and its several Branches, are hereby required to permit all persons indebted to the several sixteenth sections in this State, for the purchase money of the several sixteenth sections sold, or money loaned by the State Bank or any of its Branches, out of the moneys paid into Bank by the purchasers of the sixteenth sections, to extend the debts now due, and running to maturity during the present year, until the first of March, one thousand eight hundred and forty-five, by paying the interest on the same, and giving additional security if required.

Approved, 13th January, 1844.

JOINT MEMORIAL

To the Congress of the United States, on the subject of the Pre-emption Laws.

To the Honorable the Senate and House of Representatives of the United States in Congress assembled:

The Memorial of the General Assembly of the State of Alabama, respectfully represents, that the wise policy of the Government of the United States, in relation to the Public Lands, in the passage of the

late Pre-emption laws, has been, owing to the extraordinary pressure of the times, and derangement of the currency of the country during the last five or six years, partially defeated, and many industrious, enterprising, and meritorious citizens deprived of the means of purchasing the homes intended to be secured by those benevolent laws.

The General Assembly further represent, that, owing to the causes above named, as well as to the great reduction, during that period, of every article of agricultural production, and of property generally, a most respectable portion of the settlers on the Public Lands in this State, and especially in the Cherokee purchase, have been unable to realize the advantage intended to be secured to them by the Pre-emption laws of one thousand eight hundred and thirty-eight and one thousand eight hundred and forty. Their settlements were consequently offered for sale, but owing to the great scarcity of specie funds, were not sold; they will be shortly subject to general entry, and without the timely interposition of Congress, it is apprehended that this meritorious class of citizens will be ousted of their possessions by another class, who are ever ready to take advantage of the necessities and misfortunes of the poor but hardy and industrious pioneer of the west.

For the reasons above set forth, the General Assembly pray your Honorable Bodies, to extend the right of Pre-emption two years to the settlers above described, that they may be enabled to enter their lands, in preference to those who may be disposed to make a general entry.

Resolved therefore, by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That our Senators in Congress be instructed, and our Representatives requested, to use their best exertions to carry out the views contained in the foregoing preamble and resolution; and that His Excellency the Governor, cause copies of this preamble and resolution to be forwarded to them.

Approved, 15th January, 1844.

JOINT RESOLUTION

For the relief of Isaac Swan, Tax Collector of Sumter County.

Be it Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That Isaac Swan, Tax Collector of Sumter County, for the year eighteen hundred and forty-three, be, and he is hereby allowed until the first day of March next, to complete the collection of the State and County taxes of said County, and to make final settlement and payment thereof: *Provided,* That the securities of the said Isaac Swan give their assent thereto in writing, to be filed in the office of the Clerk of the County Court of said County, any law or usage to the contrary notwithstanding.

Approved, January 16, 1844.

MEMORIAL

Of the General Assembly of the State of Alabama, to the Congress of the United States, requesting a reduction of the price of the Public Lands within said State.

The Senate and House of Representatives of the State of Alabama, in General Assembly convened, respectfully request the Congress of the United States to graduate and reduce the prices of the public lands within the State of Alabama, which have been long in market and remain unsold, with a view of getting clear of the expense of the Land Office system, and making those lands private property.

There are some nineteen millions of acres of public lands within the State, which have been in market, some for ten, some for twenty, and some for thirty years; and notwithstanding the several periods of a rise and fall of prices of products, and the great rise of lands and speculations in them, and notwithstanding our citizens have been seized with the spirit of speculation, and have traversed all of the west and southwestern States in quest of public lands, yet so worthless have been the barrens and mountains of Alabama, that but few tracts have been entered of this great waste. Congress has often been requested to graduate the prices according to the periods of time they have been in market; and has hitherto refused to grant this most reasonable request. If ten cents per acre had been obtained for them twenty years ago, it would have been a great benefit to both the State and General Government. The one would have had the value of the property, and have been free from the expense of attending to it, whilst the other would have had citizens. As it is, Congress owns waste valueless lands, and Alabama has an uninhabited desert, instead of tax-paying inhabitants. Why should Congress longer attempt to force up the prices of deserts and mountains, which, although surrounded by inhabitants from fifty to two hundred years, are yet not worth twenty cents per acre, and in many cases not half of that sum? What reason is there to conclude that similar lands are worth more money in Alabama, where there are fewer inhabitants, more recently settled, and the country less healthy? Your memorialists request that Congress may reduce the prices of said lands according to the periods of time that the several districts may have been in the market, and securing rights of pre-emption to occupants for limited periods of time at each stage of reduction.

And be it Resolved, That the Governor transmit a copy of the foregoing Memorial to the Senators and Representatives in Congress.

Approved, January 16, 1844.

DEPARTMENT OF STATE, }

Tuscaloosa, Ala., February 5, 1843. }

I have carefully examined the foregoing Acts, Resolutions and Memorials, and find them to be correct copies of the original rolls, deposited in this office.

W. GARRETT,

Secretary of State.

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